

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRIS ADAMSON, *et al.*,

Plaintiffs,

v.

PIERCE COUNTY, *et al.*,

Defendants.

CASE NO. 3:21-cv-05592-BHS

ORDER ON MOTION TO COMPEL

This matter comes before the Court on Plaintiffs' Motion to Compel.¹ Dkt. 62. Having considered the parties' briefing and relevant record, the Motion (Dkt. 62) is **GRANTED** in part and **DENIED** in part for reasons explained herein.

I. BACKGROUND

The parties are familiar with the claims and allegations underlying this case, and the Court summarizes them here only in brief. This case arises out of an investigation by the Pierce County Prosecutor's Office and 2020 shutdowns of the Pierce County Sheriff's Department's

¹ On May 30, 2023, the Honorable Benjamin H. Settle entered an Order in this case granting Defendants' motion to continue the trial date, and referred two pending Motions to Compel (Dkts. 48, 62), and any other discovery matters that arise, to the undersigned. *See* Dkt. 76.

1 Special Investigation Unit (“SIU”)—a unit dedicated to investigating narcotics and enforcing
 2 anti-vice laws in Pierce County.² Dkt. 1-2 at 5. Plaintiffs, nine Pierce County Sheriff’s
 3 Department deputies, were assigned to the SIU and subsequently included on the Pierce County
 4 Prosecuting Attorney’s Office (“PCPAO”) *Brady*/Potential Impeachment Evidence (“PIE”) list.
 5 *Id.* at 5–10. Defendants are former Sheriff Paul Pastor, Undersheriff and Acting Sheriff Brent
 6 Bomkamp, and Pierce County, as a government entity operating through its officials and
 7 employees. *Id.* at 10–11.

8 In the Complaint, Plaintiffs assert several claims based on Defendants’ involvement with
 9 their placement on the PCPAO’s *Brady*/PIE list, including 42 U.S.C. § 1983 Free Speech and
 10 Redress violations, and state claims of Defamation/False Light, Outrage, Negligent Infliction of
 11 Emotional Distress, and Breach of Contract. *See id.* More specifically, Plaintiffs allege

12 In an official capacity, Pierce County’s officials fabricated allegations [against
 13 Plaintiffs] then recorded them in documents to publish as so called ‘Brady’
 14 material. [Defendants] instigated multiple unfounded investigations, targeted
 15 plaintiffs with heightened scrutiny, and published disparaging unwarranted
 16 criticisms during the Sheriff’s election cycle to influence the election, and to deter
 17 plaintiffs and others similarly situated from exercising with protected rights.

18 *Id.* at 5.

19 On May 25, 2022, the Chief Judge David G. Estudillo entered an Order granting in part
 20 and denying in part a Motion to Dismiss filed by Defendants. Dkt. 24. The claims related directly
 21 to the *Brady*/PIE list were dismissed, but the claims listed above remain. *Id.* In addition, several
 22 Defendants were dismissed on immunity grounds. *Id.*

23 Also on May 25, 2022, Chief Judge Estudillo entered an Order denying, as moot, two
 24 motions regarding discovery filed by the parties. Dkt. 25. With respect to Plaintiffs’ pending

² Plaintiffs initially filed suit in Thurston County Superior Court, at Complaint No. 21-2-01294-34, and in August 2021, the case was removed to this Court. *See* Dkt. 1.

1 discovery requests, the Court directed Plaintiffs to revise their written discovery requests in light
2 of the Court's decision on the Motion to Dismiss, and re-serve them on Defendants. *Id.* at 1, 3.
3 Since then, the parties have been engaged in further discovery. On March 28, 2023, the parties
4 filed a Joint Statement of Discovery Dispute, informing the Court they had reached an impasse
5 over Plaintiffs' written discovery requests. Dkt. 45. Plaintiffs identified multiple insufficiencies
6 in Defendants' discovery responses, while Defendants asserted that Plaintiffs' requests are overly
7 broad, vague, not likely to lead to the discovery of admissible evidence, and disproportionate to
8 the remaining claims. *Id.*

9 Chief Judge Estudillo held a discovery conference on these issues on April 24, 2023. *See*
10 Dkt. 54. At the conference, the Court directed the parties to meet and confer in the courtroom in
11 an attempt to resolve the discovery disputes outlined in their Joint Statement. *See* Dkt. 55. After
12 conferring for nearly two hours, the parties indicated they had narrowed down the discovery
13 issues, but the Court reserved ruling on the discovery disputes pending resolution of a possible
14 issue of Court conflict. *Id.* at 19–24. The following day, April 25, 2023, Chief Judge Estudillo
15 recused himself and this matter was reassigned to Judge Settle. *See* Dkt. 51. Plaintiffs attach, as
16 an Exhibit to the instant Motion to Compel, a Table of Insufficiencies with handwritten notes
17 from the April 24, 2023, conference. Dkt. 63, Ex. F.

18 On May 5, 2023, Plaintiffs filed the instant Motion to Compel, asserting Defendants have
19 failed to adequately respond to Plaintiff Fajardo's First Set of Interrogatories and Requests for
20 Production. Dkt. 62. The requests seek discovery for all Plaintiffs and consist of eleven (11)
21 interrogatories and sixty-six (66) requests for production ("RFP"). *See* Dkt. 63. Defendants
22 responded to the Motion to Compel on May 22, 2023 (Dkt. 72), and Plaintiffs' replied on May
23 26, 2023 (Dkt. 74). On May 31, 2023, Defendants filed a Surreply (Dkt. 79), to which Plaintiffs
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1 responded with a Motion to Strike the Surreply (Dkt. 80). Defendants have responded to the
2 Motion to Strike. Dkt. 82.

3 **II. PLAINTIFFS' MOTION TO STRIKE**

4 Plaintiffs have filed a Motion to Strike Defendants' Surreply relating to the instant
5 Motion to Compel. Dkt. 80. Plaintiffs argue the Surreply should be stricken or otherwise
6 disregarded in its entirety because it contains improper accusations of wrongdoing on the part of
7 Plaintiffs' counsel which are false, immaterial, and impertinent. *Id.* Plaintiffs' counsel further
8 argues the Surreply has no legitimate purpose in that it has no bearing on the sufficiency or
9 adequacy of Defendants' responses to the discovery requests. *Id.*

10 Federal Rule of Civil Procedure 12(f) permits a court to strike from any pleading "any
11 redundant, immaterial, impertinent, or scandalous matter." Fed R. Civ. P. 12(f); *Fantasy, Inc. v.*
12 *Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993) *rev'd on other grounds*, 510 U.S. 517 (1994). A
13 matter is immaterial if it has no essential or important relationship to the claim for relief or
14 defenses pled, and a matter is impertinent if it does not pertain to, and is unnecessary to, the
15 issue(s) in question. *Fantasy, Inc.*, 984 F.2d at 1527. Motions to strike are disfavored because
16 they are often dilatory and because of the limited importance of pleadings in federal practice.
17 *Cortina v. Goya Foods, Inc.*, 94 F. Supp. 3d 1174, 1182 (S.D. Cal. March 19, 2015); *see also*
18 *Gottesman v. Santana*, 263 F. Supp. 3d 1034, 1038 (S.D. Cal. July 6, 2017). A motion to strike
19 should not be granted unless the matter to be stricken clearly has no possible bearing on the
20 litigation's subject matter. *Colaprico v. Sun Microsystems, Inc.*, 758 F. Supp. 1335, 1339 (N.D.
21 Cal. March 13, 1991). Lastly, as with a motion to dismiss, a motion to strike must be viewed in
22 the light most favorable to the non-moving party and any doubt regarding the import of the
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1 allegations weighs in favor of denying a motion to strike. *In re 2TheMart.com, Inc. Securities*
2 *Litigation*, 114 F. Supp. 2d 955, 965 (C.D. Cal. July 17, 2000).

3 Having considered the Motion to Strike, as well as Defendants' Surreply, the Court
4 denies Plaintiffs' request to strike the Surreply at this time because doubt remains as to whether
5 the Surreply is so irrelevant as to have "no possible bearing on the subject matter of the
6 litigation," and which must be resolved in favor of the nonmoving party. *Colaprico*, 758 F. Supp.
7 at 1339. The Motion to Strike (Dkt. 80) is **DENIED**.

8 **III. PLAINTIFFS' MOTION TO COMPEL**

9 The Court strongly disfavors discovery motions and prefers that the parties resolve
10 discovery issues on their own. However, if the parties are unable to resolve a discovery dispute,
11 the requesting party may move for an order to compel. Fed. R. Civ. P. 37(a)(1). The party that
12 resists discovery has the burden to show why the discovery request should be denied.
13 *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir. 1975).

14 "Parties may obtain discovery regarding any nonprivileged matter that is relevant to any
15 party's claim or defense and proportional to the needs of the case." Fed. R. Civ. P. 26(b)(1). In
16 evaluating a disputed discovery request, the Court should consider "the importance of the issues
17 at stake in the action, the amount in controversy, the parties' relative access to relevant
18 information, the parties' resources, the importance of the discovery in resolving the issues, and
19 whether the burden or expense of the proposed discovery outweighs its likely benefit." *Id.*
20 However, Rule 26(b)(2)(C) provides that the Court must limit the frequency of discovery
21 otherwise allowed by the federal civil rules or by local rule if the Court determines that: "(i) the
22 discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other
23 source that is more convenient, less burdensome, or less expensive; (ii) the party seeking
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1 discovery has had ample opportunity to obtain the information by discovery in the action; or (iii)
2 the proposed discovery is outside the scope permitted by Rule 26(b)(1).” Fed. R. Civ. P.
3 26(b)(2)(C)(i)–(iii).

4 Further, materials need not be admissible in evidence to be discoverable. *Id.* District
5 Courts ultimately retain broad discretion to permit or deny discovery, *Hallett v. Morgan*, 296
6 F.3d 732, 751 (2002), and this broad discretion encompasses relevancy determinations, *Survivor*
7 *Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 635 (9th Cir. 2005). Information is relevant if it is
8 “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* (quoting *Brown Bag*
9 *Software v. Symantec Corp.*, 960 F.2d 1465, 1470 (9th Cir. 1992)).

10 Initially, the Court notes that, prior to the filing of this Motion to Compel, at the April 24,
11 2023, discovery conference, Chief Judge Estudillo was very clear as to how he believed these
12 discovery disputes could be resolved, particularly with the Court’s assistance, if necessary. *See*
13 Dkt. 55. The Court used RFP No. 4 as an example. *Id.* at 15–16. When Defendants asserted they
14 had nothing more to answer as to any specific arguments Plaintiffs were making for that request,
15 the Court stated,

16 And then I’m going to ask Ms. Mell, well, what do you think is missing?
17 And if you think there’s something missing, tell me exactly what you think is
18 missing because until you tell me what’s missing, I don’t know what to order
defendants to produce.

19 So if you think there’s something missing, what is it, is it a specific date, is
20 it a specific individual that you think they didn’t produce a statement from? I don’t
know. If you can identify what’s missing, then I will tell them, produce it, if it’s
relevant to this particular interrogatory or request for production.

21 But if they’re going to tell me, we’ve produced everything from No. 4, and
22 you don’t tell me what you think is missing, other than we don’t think they’ve
answered it completely, I’m not going to order them to produce anything on No. 4.

23 *Id.*

1 In the instant Motion, Plaintiffs seek an Order compelling Defendants to provide
2 supplemental responses and additional documents in response to Plaintiffs' discovery requests.
3 Dkt. 62. However, it is not clear if Plaintiffs are referring to *some* requests or *all* requests. *See id.*
4 Plaintiffs' Motion is peppered with language outlining Defendants' failure to respond to the
5 requests, but none of that language is specific as to any one request. *See id.* Without such
6 specificity, the Court is unable to discern what information Plaintiffs want further produced. To
7 make matters worse, Plaintiffs have not provided the Court with a Proposed Order and, as set
8 forth in subsequent briefing on the Motion, Defendants have provided supplemental responses
9 since the Motion was filed. *See* Dkt. 73, Ex. 1 (Defendants' Supplemental Answers, Provided
10 May 22, 2023); Dkt. 75, Ex. A (Emails from Defendants providing supplemental discovery
11 answers). Plaintiffs' Reply lists thirty-six (36) RFPs and six (6) interrogatories that Defendants
12 have "failed to identify or produce information responsive to," or "refused to answer,"
13 respectively, but does not indicate what Plaintiffs believe is missing or, in the alternative,
14 provide substantive argument for why the Court should compel Defendants to produce
15 information over their objections. Dkt. 74 at 3–5. In addition, this list of 42 total requests does
16 not match what was apparently missing when the parties conferred at the April 24, 2023,
17 discovery conference. *See* Dkt. 63, Ex. F (Table of Insufficiencies from April 24, 2023, hearing).
18 For example, on the table Plaintiffs note "answered" next to RFP No. 58 (Dkt. 63 at 68);
19 however, in the Reply, Plaintiffs list RFP No. 58 as a request in need of further response (Dkt. 74
20 at 4).

21 In any other situation, it would appear that another discovery conference is in order, but,
22 in light of the seemingly contentious relationship between counsel during discovery which has
23 brought the parties to an impasse, the Court will not take that approach. Rather, the Court will
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1 follow Chief Judge Estudillo's lead in resolving these discovery disputes on paper. That is, the
2 Court will examine each request and, if Plaintiffs have identified what is missing, the Court will
3 direct Defendants to produce, if relevant. Otherwise, absent more specificity, the Court simply
4 lacks sufficient information to fully resolve each production request. In an effort to dislodge the
5 parties' discovery impasse, the Court will address the requests in the categories set forth in
6 Plaintiff Fajardo's First Interrogatories and Requests for Production, using the latest exhibit
7 provided by the parties which includes Defendants' supplemental responses. *See* Dkt. 73, Ex. 1.

8 Lastly, in considering the Motion, the Court addresses Plaintiffs' argument with respect
9 to Defendants' objections to certain discovery requests based on the dismissal of the Brady/PIE
10 claims. *See* Dkt. 74 at 7–9. Plaintiffs argue that Defendants' objection based on *Brady*/PIE
11 information is improper, as such information is still relevant to the remaining claims at issue. *Id.*
12 at 7–8. They note that, as a result of the Order granting in part and denying in part Defendants'
13 Motion to Dismiss, Plaintiffs' claim of First Amendment retaliation against Pastor and
14 Bomkamp and state law claims against Pierce County for defamation, false light, outrage,
15 negligent infliction of emotional distress, and breach of contract, were not dismissed. *Id.* at 9; *see*
16 Dkt. 24.

17 Here, the Court finds information related to the *Brady*/PIE claims remain relevant to the
18 remaining claims. More specifically, because the District Court found Defendants Pastor and
19 Bomkamp were not entitled to qualified immunity with respect to the First Amendment
20 retaliation claim and that the state law claims against Pierce County could proceed (*see* Dkt. 24
21 at 13–17; 21–25), information related to the creation of the *Brady*/PIE list remains relevant. As
22 such, the Court will not strike any of the related discovery requests based on a finding that the
23 request seeks *Brady*/PIE information.

1 **A. “Background”**

2 1. Interrogatory No. 1 and Request for Production No. 1

3 Interrogatory No. 1 asks Defendants to “[i]dentify each person who answered or provided
4 answers to these discovery requests by name, title, address, and telephone number.” Dkt. 73 at 7.
5 RFP No. 1 asks Defendants to produce “[a]ll documents viewed or considered when answering
6 Interrogatory No. 1.” *Id.*

7 Defendants initially objected to Interrogatory No. 1 as overly broad and not likely to lead
8 to the discovery of admissible evidence. *Id.* Not waiving that objection, Defendants provided a
9 list of five persons in response to the Interrogatory. *Id.* In supplemental answers, Defendants
10 provided twenty-three more names. *Id.* Defendants also objected to RFP No. 1 as overly broad
11 and not likely to lead to the discovery of admissible evidence, and added that the request was
12 “[d]uplicative and/or cumulative to other discovery requests. Answer to this discovery request
13 can be determined by documents and materials produced in response to subsequent discovery
14 requests.” *Id.* In their Response to the Motion to Compel, Defendants assert these requests have
15 been answered, adding that Interrogatory No. 1 is not relevant as it involves matters beyond the
16 remaining claims in this lawsuit. Dkt. 72 at 5.

17 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
18 reference Interrogatory No. 1 or RFP No. 1, let alone explain how the information sought is
19 relevant or proportional.³ *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require
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21 ³ In their Reply, Plaintiffs briefly mention that, despite filing supplemental answers on May 22, 2023, Defendants
22 still have not supplemented their response with documents from Brent Bomkamp since his May 17, 2023 deposition.
23 Dkt. 74 at 10–11. According to Plaintiffs, Mr. Bomkamp testified that he had just started to search for responsive
24 records. *Id.* at 11. Plaintiffs do not respond, however, to Defendants argument that documentation in this request was
duplicative and/or cumulative to other discovery requests. *See* Dkt. 73 at 7. Without knowing what Plaintiffs believe
is missing and being able to determine it has or has not been produced in response to other requests, the Court will
not require Defendants to further respond to this request.

1 Defendants to further respond. Thus, Plaintiffs' request for an Order compelling Defendants to
2 respond to Interrogatory No. 1 and RFP No. 1 is denied without prejudice.

3 **B. "Witnesses"**

4 1. Interrogatory No. 2 and Request for Production No. 2

5 Interrogatory No. 2 asks Defendants to "[i]dentify each witness who may have
6 information about this case or whom you intend to call at trial, including the witness's name,
7 address and telephone number, and the summary of the witness's knowledge or testimony." Dkt.
8 73 at 7. RFP No. 2 asks Defendants to produce "[a]ll documents viewed or considered when
9 answering Interrogatory No. 2." *Id.*

10 Defendants responded to both requests with a reference to Defendants' Initial Disclosures
11 dated November 10, 2021. *Id.* In addition, Defendants objected to Interrogatory No. 2 as
12 premature, as "[d]iscovery and investigation are ongoing, and all witnesses have not yet been
13 determined." *Id.* They also objected to RFP No. 2 as overly broad and not likely to lead to the
14 discovery of admissible evidence. *Id.* In their Response to the Motion to Compel, Defendants
15 reiterate that Interrogatory No. 2 is overly broad, adding that it is not relevant to the remaining
16 claims in this lawsuit. Dkt. 72 at 5.

17 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
18 reference Interrogatory No. 2 or RFP No. 2, let alone explain how the information sought is
19 relevant or proportional. *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require
20 Defendants to further respond. Thus, Plaintiffs' request for an Order compelling Defendants to
21 respond to Interrogatory No. 2 and RFP No. 2 is denied without prejudice.

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1 **C. “Experts”**

2 1. Interrogatory No. 3 and Request for Production No. 3

3 Interrogatory No. 3 asks Defendants to identify each expert witness they intend to call at
4 the time of trial, as well as

5 the subject matter on which the expert is expected to testify, state the substance of
6 the facts and opinions to which the expert is expected to testify, provide a summary
7 if the grounds for each opinion, and list each and every fact, document, or
8 information the expert intends to rely upon to support his or her opinions.

9 Dkt. 73 at 8. RFP No. 3 asks Defendants to produce all documents reviewed and relied upon by
10 any expert identified in Interrogatory No. 3, as well as

11 the expert’s files, resume or curriculum vitae, any documents, treatises, or articles
12 your expert relies upon to formulate testimony or opinions in this matter, e-mails
13 and correspondence prepared or received by the expert, billing statements, contract
14 for services, a list of cases wherein the expert has testified, and any writings or prior
15 deposition testimony from any cases the expert relies upon to establish his or her
16 qualifications.

17 *Id.*

18 Defendants initially responded to Interrogatory No. 3 with a reference to Defendants’
19 Disclosure of Expert Witnesses dated August 8, 2022. *Id.* They also stated that discovery and
20 investigation were ongoing and that they would disclose experts pursuant to the applicable case
21 schedule. *Id.* They noted the request may be premature. *Id.* In a supplemental answer,
22 Defendants referred to their Rebuttal Expert Disclosure dated April 25, 2023. *Id.* Defendants
23 initially objected to RFP No. 3 as premature, but in a supplemental answer referenced the April
24 25, 2023, Rebuttal Expert Disclosure and noted that “[i]t is believed that all documents are in the
possession of Plaintiffs.” *Id.* In their Response to the Motion to Compel, Defendants state
Interrogatory No. 3 has been answered, but also that it is duplicative of expert disclosures. Dkt.
72 at 5. They also assert that RFP No. 3 has been answered. *Id.*

1 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
2 reference Interrogatory No. 3 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have
3 “failed to identify or produce information responsive to RFP 3 (expert files)” (Dkt. 74 at 3).
4 Plaintiffs do not indicate what they believe to be missing or, in the alternative, provide
5 substantive argument for why the Court should compel Defendants to produce information over
6 their objections. *See* Dkts. 62; 63, Ex. F; 74 at 3). Without more, the Court will not require
7 Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to
8 respond to Interrogatory No. 3 and RFP No. 3 is denied without prejudice.

9 **D. “Communications”**

10 1. Interrogatory No. 4 and Request for Production No. 4

11 Interrogatory No. 4 asks Defendants to “[i]dentify each ‘argument’ put forth by current
12 and former SIU members to which the Robnett e-mail at Appendix L of the Complaint, Bates
13 No. ‘Plntffs000054,’ refers.” Dkt. 73 at 8. RFP No. 4 asks Defendants to produce “[d]ocuments
14 viewed or considered when answering Interrogatory No. 4. Include all communications about the
15 Robnett e-mail at Appendix L of the Complaint, Bates No. ‘Plntffs000054.’” *Id.*

16 Defendants objected to both requests as overly broad. Dkt. 73 at 8, 9. In addition,
17 Defendants noted that, as the requests relate to *Brady*/PIE claims, those claims have been
18 dismissed. *Id.* at 8. Defendants also stated that, without waiving objection, the subject e-mail
19 identifies arguments shown in the TNT article, and the e-mail and article speak for themselves.
20 *Id.* In their Response to the Motion to Compel, Defendants argue Interrogatory No. 4 is not
21 relevant to the remaining claims and seeks *Brady*/PIE information. Dkt. 72 at 5. They also state
22 that RFP No. 4 has been answered. *Id.*

1 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
2 reference Interrogatory No. 4 or RFP No. 4, let alone explain how the information sought is
3 relevant or proportional. *See* Dkts. 62; 63, Ex. F; 74. While the April 24, 2023 Table of
4 Insufficiencies includes a notation that Defendants produced no responsive documents but
5 references the TNT article (*see* Dkt. 63, Ex. F, at 63), Plaintiffs make no further argument in
6 their Motion to Compel, nor do they explain how the information sought is relevant or
7 proportional. *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to
8 further respond. Thus, Plaintiff's request for an Order compelling Defendants to respond to
9 Interrogatory No. 4 and RFP No. 4 is denied without prejudice.

10 2. Request for Production No. 5

11 RFP No. 5 asks Defendants to produce "[a]ll documents to or from or generated by Kris
12 Nordstrom specific to any plaintiff from 2019 to present or the allegations set forth in the
13 Complaint." Dkt. 73 at 9. Defendants initially objected, arguing the request is "overly broad and
14 vague as to response option. Compound." Dkt. 73 at 9. They also claimed the request was not
15 likely to lead to the discovery of admissible evidence. *Id.* However, Defendants added, without
16 waiving objection, that "approximately 15k documents have been gathered and must be reviewed
17 to determine responsiveness and redactions." *Id.* In a supplemental answer, Defendants
18 contended the request is not relevant to the remaining claims and seeks *Brady*/PIE information.
19 *Id.* Defendants state that Kris Nordstrom was an SIU member and his complaints to the PCPAO
20 regarding SIU practices initiated the *Brady*/PIE investigation. *Id.* In their Response to the Motion
21 to Compel, Defendants argue RFP No. 5 should be struck as overly broad and not relevant to the
22 remaining claims and seeks *Brady*/PIE information. Dkt. 72 at 5.

1 In the Motion to Compel and supporting documents, Plaintiffs claim this request contains
2 information regarding criticisms of Plaintiffs by Defendants. Dkt. 63, Ex. F, at 63. They argue
3 Kris Nordstrom was one of the Pierce County Sheriff's Department employees who was
4 "fabricating complaints about Plaintiffs and disseminating those false claims publicly." Dkt. 74
5 at 6. Plaintiffs further argue that Defendants' objection based on *Brady*/PIE information is
6 improper, as such information is still relevant to the remaining claims at issue. *Id.* at 7–8.

7 Upon review, the Court finds the information sought in this request relevant to the
8 remaining claims. Thus, the Court grants the Plaintiffs' motion and directs the Defendants to
9 further respond to RFP No. 5.

10 3. Request for Production No. 6

11 RFP No. 6 asks Defendants to produce "[a]ll documents to or from or generated by
12 Derrick Nielson specific to any plaintiffs from 2019 to present or the allegations set forth in the
13 Complaint." Dkt. 73 at 9. Defendants initially objected, arguing the request is "overly broad and
14 vague as to response option. Compound." Dkt. 73 at 9. They also claimed the request was not
15 likely to lead to the discovery of admissible evidence. *Id.* However, Defendants added, without
16 waiving objection, that "approximately 19k documents have been gathered and must be reviewed
17 to determine responsiveness and redactions." *Id.* In a supplemental answer, Defendants
18 contended the request is not relevant to the remaining claims and seeks *Brady*/PIE information.
19 *Id.* In their Response to the Motion to Compel, Defendants assert the request should be struck
20 and state that "Derrick Nielson was an SIU member and was involved with complaints to the
21 PCPAO regarding SIU practices initiated the *Brady*/PIE investigation conducted by former
22 Defendant Prosecuting Attorney James Schacht who was dismissed from this action." Dkt. 72 at
23 5.

1 In their Motion to Compel and supporting documents, Plaintiffs again argue that
2 Defendants' objection based on *Brady*/PIE information is improper, as such information is still
3 relevant to the remaining claims at issue. Dkt. 74 at 7–8.

4 For the reasons discussed above in relation to RFP No. 5, the Court finds the information
5 sought in this request relevant to the remaining claims. *See supra*. Accordingly, the Court grants
6 the Plaintiffs' Motion and directs the Defendants to further respond to RFP No. 6.

7 4. Request for Production No. 7

8 RFP No. 7 asks Defendants to produce “[a]ll documents including interview notes of
9 Derrick Nielson to, from, or created by James Leoffoholz specific to any plaintiff from 2019 to
10 present or the allegations set forth in the complaint.” Dkt. 73 at 9. Defendants objected, arguing
11 the request is “overly broad and vague as to response option. Compound.” *Id.* They also claimed
12 the request was not likely to lead to the discovery of admissible evidence. *Id.* However,
13 Defendants added, without waiving objection and limiting their answer to documents or notes of
14 Derrick Nielson created by James Leoffoholz, a response including Mr. Leoffoholz's notes. *See*
15 *id.* In a supplemental answer, Defendants contended the request is not relevant to the remaining
16 claims and seeks *Brady*/PIE information. *Id.* at 10. In their Response to the Motion to Compel,
17 Defendants argue the request should be struck and state “Derrick Nielson was an SIU member
18 and was involved with complaints to the PCPAO regarding SIU practices initiated the Brady/PIE
19 investigation conducted by former Defendant Prosecuting Attorney James Schacht who was
20 dismissed from this action.” Dkt. 72 at 5.

21 In their Motion to Compel and supporting documents, Plaintiffs again argue that
22 Defendants' objection based on *Brady*/PIE information is improper, as such information is still
23 relevant to the remaining claims at issue. Dkt. 74 at 7–8.

1 For the reasons discussed above in relation to RFP No. 5, the Court finds the information
2 sought in this request relevant to the remaining claims and grants the Plaintiffs' Motion. *See*
3 *supra*. RFP No. 7 and the response thereto shall not be stricken.

4 5. Request for Production No. 8

5 RFP No. 8 asks Defendants to produce “[a]ll documents to, from, or generated by Mike
6 Blair specific to any plaintiff from 2019 to present or the allegations set forth in the complaint.”
7 Dkt. 73 at 10. Defendants initially objected, arguing the request is “overly broad and vague as to
8 response option. Compound.” Dkt. 73 at 10. They also claimed the request was not likely to lead
9 to the discovery of admissible evidence. *Id.* However, Defendants added, without waiving
10 objection, that “approximately 24k documents have been gathered and must be reviewed to
11 determine responsiveness and redactions.” *Id.* In a supplemental answer, Defendants contended
12 the request is not relevant to the remaining claims and seeks *Brady*/PIE information. *Id.* In their
13 Response to the Motion to Compel, Defendants again contend the request is overly broad, vague,
14 not relevant, and is disproportionate to the remaining claims. Dkt. 72 at 5–6. Defendants also
15 provide detail on the parties' dispute with respect to narrowing the scope of this request. *Id.*

16 In their Motion to Compel and supporting documents, Plaintiffs again argue that
17 Defendants' objection based on *Brady*/PIE information is improper, as such information is still
18 relevant to the remaining claims at issue. Dkt. 74 at 7–8.

19 For the reasons discussed above in relation to RFP No. 5, the Court finds the information
20 sought in this request relevant to the remaining claims. *See supra*. Accordingly, the Court grants
21 the Plaintiffs' motion and directs the Defendants to further respond to RFP No. 8.

1 6. Request for Production No. 9

2 RFP No. 9 asks Defendants to produce “[a]ll documents to, from, or generated by Nick
3 Hausner specific to any plaintiff from 2019 to present or the allegations set forth in the
4 complaint.” Dkt. 73 at 10. Defendants initially objected, arguing the request is “overly broad and
5 vague as to response option. Compound.” Dkt. 73 at 10. They also claimed the request was not
6 likely to lead to the discovery of admissible evidence. *Id.* However, Defendants added, without
7 waiving objection, that “approximately 34k documents have been gathered and must be reviewed
8 to determine responsiveness and redactions.” *Id.* Additionally and without waiving objection,
9 Defendants added a response including “Nick Hausner files.” *Id.* In a supplemental answer,
10 Defendants contended the request is not relevant to the remaining claims and seeks *Brady*/PIE
11 information. *Id.* In their Response to the Motion to Compel, Defendants assert the request should
12 be struck and again contend the request is overly broad, vague, not relevant, and is
13 disproportionate to the remaining claims. Dkt. 72 at 6. Defendants also provide detail on the
14 parties’ dispute with respect to clarifying and/or narrowing the scope of this request. *Id.*

15 In their Motion to Compel and supporting documents, Plaintiffs again argue that
16 Defendants’ objection based on *Brady*/PIE information is improper, as such information is still
17 relevant to the remaining claims at issue. Dkt. 74 at 7–8.

18 For the reasons discussed above in relation to RFP No. 5, the Court finds the information
19 sought in this request relevant to the remaining claims. *See supra.* Accordingly, the Court grants
20 the Plaintiffs’ motion and directs the Defendants to further respond to RFP No. 9.

21 7. Request for Production No. 10

22 RFP No. 10 asks Defendants to produce “[a]ll documents to, from, or generated by Elaine
23 Lilly specific to the Peres case or the allegations set forth in the Complaint.” Dkt. 73 at 10.
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1 Defendants initially objected, arguing the request is “overly broad and vague as to response
2 option. Compound.” *Id.* They also claimed the request was not likely to lead to the discovery of
3 admissible evidence. *Id.* Defendants added, without waiving objection, that the search was
4 ongoing and a request had been made to Plaintiffs for “clarification regarding identification of
5 the ‘Peres’ case.” *Id.* In a supplemental answer, Defendants added, “Elaine Lilly is a legal
6 assistant in the felony division of PCPAO. She has no personal involvement in Plaintiffs’ claims.
7 The discovery request is not relevant to the remaining claims in this lawsuit. This discovery
8 request may be supplement[ed].” *Id.* at 10–11. In their Response to the Motion to Compel,
9 Defendants again contend the request is overly broad, vague, not relevant, and is
10 disproportionate to the remaining claims. Dkt. 72 at 6. Defendants also provide detail on the
11 parties’ dispute with respect to clarifying and/or narrowing the scope of this request. *Id.*

12 In the supporting documents to the Motion to Compel, Plaintiffs note “she has nothing”
13 in the April 24, 2023, Table of Insufficiencies. Dkt. 63, Ex. F, at 63. Other than this note,
14 Plaintiffs make no further argument in their Motion to Compel, nor do they explain how the
15 information sought is relevant or proportional. *See* Dkts. 62; 63, Ex. F; 74. Without more, the
16 Court will not require Defendants to further respond. Thus, Plaintiff’s request for an Order
17 compelling Defendants to respond to RFP No. 10 is denied without prejudice.

18 8. Request for Production No. 11

19 RFP No. 11 asks Defendants to produce “[a]ll documents to, from, or generated by
20 Priscilla Crabtree specific to any plaintiff or the allegations set forth in the Complaint.” Dkt. 73
21 at 11. Defendants initially objected, arguing the request is “overly broad and vague as to
22 response option. Compound.” *Id.* They also claimed the request was not likely to lead to the
23 discovery of admissible evidence. *Id.* Defendants added, without waiving objection, that
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1 “voluminous documents have been gathered and must be reviewed to determine responsiveness
2 and redactions.” *Id.* In a supplemental answer, Defendants added, “Priscilla Crabtree is a legal
3 assistant in the Pierce County Sheriff’s Department Internal Affairs department. She has no
4 personal involvement in Plaintiffs’ claims. The discovery request is not relevant to the remaining
5 claims in this lawsuit.” *Id.* Defendants also directed Plaintiffs to respond to RFP No. 17 for
6 further response. *Id.* In their Response to the Motion to Compel, Defendants assert the request
7 should be struck and again contend the request is overly broad, vague, not relevant, and is
8 disproportionate to the remaining claims. Dkt. 72 at 7. Defendants also provide detail on the
9 parties’ dispute with respect to clarifying and/or narrowing the scope of this request. *Id.*

10 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
11 reference RFP No. 11 (Dkts. 62; 63, Ex. F), but their April 24, 2023 Table of Insufficiencies
12 notes “provided specific terms” with respect to this request (Dkt. 63, Ex. F, at 63). Further, their
13 Reply argues that Defendants have “failed to identify or produce information responsive to . . .
14 RFP 11 (Office Assistant Internal Affairs Priscilla Crabtree’s communications about Plaintiffs).”
15 Dkt. 74 at 3. Plaintiffs do not indicate what they believe is missing or, in the alternative, provide
16 substantive argument for why the Court should compel Defendants to produce information over
17 their objections. *See* Dkts. 62; 63, Ex. F; 74 at 3. Without more, the Court will not require
18 Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to
19 respond to RFP No. 11 is denied without prejudice.

20 9. Request for Production No. 12

21 RFP No. 12 asks Defendants to produce “[a]ll documents to, from, or generated by Ed
22 Troyer, Todd Karr, Chad Arceneaux, Gerald Lawrence, Brent Bomkamp, Paul Pastor, James
23 Schacht, Fred Wist, Lisa Wagner, Grace Kingman, Rosie Martinelli, Tim Donlin, Gary Sanders,
24

1 Jim Heishman, Kevin Roberts, Kate Oliver, Mary Robnett specific to any plaintiff or the
2 allegations set forth in the Complaint.” Dkt. 73 at 11. Defendants initially objected, arguing the
3 request is “overly broad and vague as to response option. Compound.” *Id.* They also claimed the
4 request was not likely to lead to the discovery of admissible evidence. *Id.* Defendants added,
5 without waiving objection, that a search was ongoing. *Id.* In a supplemental answer, Defendants
6 added that the request was “duplicative of similar discovery requests directed to Defendants
7 Pastor and Bomkamp, and all other individuals identified relate directly to the *Brady*/PIE claims
8 and PERC/labor grievance matters.” *Id.* Defendants also added a response including PCSD
9 investigation files. *Id.* In their Response to the Motion to Compel, Defendants assert the request
10 should be struck and again contend the request is overly broad, vague, not relevant, and is
11 disproportionate to the remaining claims. Dkt. 72 at 7. Defendants also provide detail on the
12 parties’ dispute with respect to clarifying and/or narrowing the scope of this request. *Id.*

13 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
14 reference RFP No. 12 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
15 to identify or produce information responsive to . . . RFP 12 (Sheriff Pastor, Sheriff Troyer,
16 Acting Sheriff/Undersheriff Bomkamp, Captain Lawrence, Det. Donlin, Major Sanders, Chief
17 Heishman, Chief Roberts communications about Plaintiffs, limited partial response heavily
18 redacted with no exemption log)” (Dkt. 74 at 3). Plaintiffs do not indicate what they believe is
19 missing or, in the alternative, provide substantive argument for why the Court should compel
20 Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 3).
21 Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request
22 for an Order compelling Defendants to respond to RFP No. 12 is denied without prejudice.

10. Request for Production No. 13

RFP No. 13 asks Defendants to produce “[a]ll documents of all communications with the Federal Bureau of Investigations into any action or inaction by any named Plaintiff.” Dkt. 73 at 11. Defendants initially objected, arguing the request is “overly broad and vague as to response option. Compound.” *Id.* They also claimed the request was not likely to lead to the discovery of admissible evidence. *Id.* Defendants added, without waiving objection, that a search was ongoing. *Id.* In a supplemental answer, Defendants further objected to the extent that the discovery request sought *Brady*/PIE information. Dkt. 73 at 12. They added that “[t]he materials included in this production are business records and may include responsive documents to which the burden of deriving or ascertaining the answer to the discovery request is substantially the same for either party and the materials are produced as allowed by Fed. R. Civ. P. 33(d).” *Id.* Defendants also added a response including email communications and telephone summary reports. *Id.* In their Response to the Motion to Compel, Defendants argue this request should be struck, is tantamount to a fishing expedition, and pertains to the *Brady*/PIE investigation. Dkt. 72 at 7.

In the Motion to Compel and supporting documents, Plaintiffs do not specifically reference RFP No. 13, let alone explain how the information sought is relevant or proportional. *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 13 is denied without prejudice.

11. Request for Production No. 14

RFP No. 14 asks Defendants to produce “[a]ll documents that involve technologies used by any plaintiff. This should include all communications about plaintiffs’ technologies, as well

1 as all documents from plaintiff's technologies that you possess, and any analysis of the content
2 taken from plaintiffs' technologies." Dkt. 73 at 12. Defendants objected, arguing the request is
3 "overly broad and vague as to 'technologies.'" Dkt. 73 at 12. They added that a request was
4 made for clarification of the definition of "technologies" and that a search was ongoing. *Id.* In
5 their Response to the Motion to Compel, Defendants argue the term "technologies" is vague, but
6 add that Plaintiffs "now seek to define technologies as emails, text messages, Microsoft Teams
7 call information, phone information, laptops, Instant Messaging information, and Internet Cloud
8 information." Dkt. 72 at 7–8. They also assert the request should be struck. *Id.* at 7.

9 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
10 reference RFP No. 14 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have "failed
11 to identify or produce information responsive to . . . RFP 14 (Communications about Plaintiffs
12 technologies)" (Dkt. 74 at 3). Plaintiffs do not indicate what they believe is missing or, in the
13 alternative, provide substantive argument for why the Court should compel Defendants to
14 produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 3. Without more, the
15 Court will not require Defendants to further respond. Thus, Plaintiffs' request for an Order
16 compelling Defendants to respond to RFP No. 14 is denied without prejudice.

17 **E. "Executive's Offices"**

18 1. Request for Production No. 15

19 RFP No. 15 asks Defendants to produce "[a]ll documents from files and records created
20 by or in the possession of Bruce Dammeier or his staff that contain content specific to any named
21 plaintiff or the allegations set forth in the Complaint." Dkt. 73 at 12. Defendants initially
22 objected, arguing the request is "overly broad and vague as to response option. Compound." *Id.*
23 They also claimed the request was not likely to lead to the discovery of admissible evidence. *Id.*
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1 Defendants added, without waiving objection, that a search was ongoing. *Id.* In a supplemental
2 answer, Defendants added a response including e-mail communications. *Id.* In their Response to
3 the Motion to Compel, Defendants argue Bruce Dammeier is the elected Executive for Pierce
4 County with no personal involvement in Plaintiffs' claims. Dkt. 72 at 8. They also contend that
5 the request should be struck, as it is not relevant to the remaining claims in the lawsuit, is
6 tantamount to a fishing expedition, and any claim Mr. Dammeier personally has to the claims is
7 tangential at best. *Id.* Defendants also provide detail on the parties' dispute with respect to
8 clarifying and/or narrowing the scope of this request. *Id.*

9 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
10 reference RFP No. 15, let alone explain how the information sought is relevant or proportional.
11 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
12 respond. Thus, Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 15
13 is denied without prejudice.

14 **F. "Sheriff's Department"**

15 1. Request for Production No. 16

16 RFP No. 16 asks Defendants to produce "[a]ll documents from files and records created
17 by or in the possession of Sheriff and former Sheriff or his staff or former staff that contain
18 content specific to any named plaintiff or the allegations set forth in the Complaint." Dkt. 73 at
19 12–13. Defendants initially objected, arguing the request is "overly broad and vague as to
20 response option. Compound." *Id.* at 13. They also claimed the request was not likely to lead to
21 the discovery of admissible evidence. *Id.* In a supplemental answer, Defendants asserted that
22 current Sheriff Ed Troyer has no personal involvement in Plaintiffs' claims, and the discovery
23 request is duplicative to other discovery requests directed at Defendant Pastor. *Id.* In their
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1 Response to the Motion to Compel, Defendants add that the request should be struck and is
2 tantamount to a fishing expedition. Dkt. 72 at 8. They also provide detail on the parties' dispute
3 with respect to clarifying and/or narrowing the scope of this request. *Id.*

4 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
5 reference RFP No. 16 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have "failed
6 to identify or produce information responsive to . . . RFP 16 (Documents created by Sheriff and
7 his staff about Plaintiffs that disparage them or concern their performance)" (Dkt. 74 at 3).
8 Plaintiffs do not indicate what exactly they believe is missing or, in the alternative, provide
9 substantive argument for why the Court should compel Defendants to produce information over
10 their objections. *See* Dkts. 62; 63, Ex. F; 74 at 3. Without more, the Court will not require
11 Defendants to further respond. Thus, Plaintiffs' request for an Order compelling Defendants to
12 respond to RFP No. 16 is denied without prejudice.

13 **G. "Internal Affairs Files"**

14 1. Request for Production No. 17

15 RFP No. 17 asks Defendants to produce "[a]ll Pierce County Sheriff's Department
16 Internal Affairs documents on plaintiffs and named defendants." Dkt. 73 at 13. Defendants
17 initially objected that the request was overly broad and not likely to lead to the discovery of
18 admissible evidence. *Id.* Defendants added, without waiving objection, that a search was
19 ongoing. *Id.* In a first supplemental answer, Defendants added a response including four (4) sets
20 of documents identified by Bates numbers. *Id.* In a second supplemental answer, Defendants
21 added a response including sixteen (16) sets of documents identified by Bates numbers. *Id.* at
22 13–15. In their Response to the Motion to Compel, Defendants again argue the request is overly
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1 broad, and add that it is “vague, not relevant, and is disproportionate to the remaining claims.”
2 Dkt. 72 at 8.

3 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
4 reference RFP No. 17, let alone explain how the information sought is relevant or proportional.
5 See Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
6 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 17
7 is denied without prejudice.

8 **H. “Councilmember’s Offices”**

9 1. Request for Production No. 18

10 RFP No. 18 asks Defendants to produce “[a]ll documents from files and records created
11 by or in the possession of any Pierce County Councilmember or his or her staff or former staff
12 that contain content specific to any named plaintiff or the allegations set forth in the Complaint
13 dating back to 2019.” Dkt. 73 at 15. Defendants initially objected that the request was “overly
14 broad and vague as to response option. Compound,” and not likely to lead to the discovery of
15 admissible evidence. *Id.* Defendants added, without waiving objection, that a search was
16 ongoing. *Id.* In a supplemental answer, Defendants argued the County Council has no personal
17 involvement in Plaintiffs’ claims and the request is not relevant to the remaining claims in this
18 lawsuit, but included a set of responsive documents identified by Bates numbers. *Id.* In their
19 Response to the Motion to Compel, Defendants reiterate their arguments on objection, adding
20 that the request should be struck, is tantamount to a fishing expedition and providing detail on
21 the parties’ dispute with respect to clarifying and/or narrowing the scope of this request. Dkt. 72
22 at 8–9.

In the Motion to Compel and supporting documents, Plaintiffs do not specifically reference RFP No. 18 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed to identify or produce information responsive to . . . RFP 18 (Documents from Councilmember’s Offices specific to Plaintiffs that disparage them or concern their performance)” (Dkt. 74 at 3). Plaintiffs do not indicate what they believe is missing or, in the alternative, provide substantive argument for why the Court should compel Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 3. Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 18 is denied without prejudice.

I. “IT Department”

1. Request for Production No. 19

RFP No. 19 asks Defendants to produce “[a]ll documents from your IT department that show dates, times, and text content that has been deleted that may have been about plaintiffs or the allegations set forth in the Complaint since 2019.” Dkt. 73 at 15. Defendants initially objected that the request was “overly broad and vague as to response option. Compound,” and not likely to lead to the discovery of admissible evidence. *Id.* Defendants added, without waiving objection, that a search was ongoing. *Id.* In a supplemental answer, Defendants asserted that the request was disproportionate to the remaining claims, adding that the request

pertains to *Brady*/PIE matters that have been dismissed and pertains to other matters such as PERC/labor grievance matters and Public Records Requests. A general IT search for ‘deleted’ documents with Plaintiffs and Defendants Bomkamp and Pastor names has returned over 200K documents. Plaintiffs made no effort to clarify early in this case what this discovery request sought, but now claims it seeks metadata from any document that may have been about Plaintiffs.

Id. In their Response to the Motion to Compel, Defendants reiterate these points and assert the request should be struck. Dkt. 72 at 9.

1 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
2 reference RFP No. 19 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
3 to identify or produce information responsive to . . . RFP 19 (Metadata showing dates and times
4 texts about Plaintiffs and the allegations in the Complaint were deleted)” (Dkt. 74 at 3). Plaintiffs
5 do not indicate what they believe is missing or, in the alternative, provide substantive argument
6 for why the Court should compel Defendants to produce information over their objections. *See*
7 Dkts. 62; 63, Ex. F; 74 at 3. Without more, the Court will not require Defendants to further
8 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 18
9 is denied without prejudice.

10 **J. “Telephone Records”**

11 1. Request for Production No. 20

12 RFP No. 20 asks Defendants to produce “[a]ll documents for telephones used by any
13 named defendant from 2019 to present that contain call logs or text logs for communications
14 about plaintiffs or the allegations set forth in the Complaint.” Dkt. 73 at 15–16. Defendants
15 initially objected that the request was “overly broad and vague as to response option.
16 Compound,” and not likely to lead to the discovery of admissible evidence. *Id.* at 16. Defendants
17 added, without waiving objection, that a search was ongoing. *Id.* In their Response to the Motion
18 to Compel, Defendants indicate that phone logs for Defendants Pastor and Bomkamp will be
19 produced. Dkt. 72 at 9.

20 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
21 reference RFP No. 20 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
22 to identify or produce information responsive to . . . RFP 20 (Telephone and text logs from 2019
23 to current for communications about Plaintiffs)” (Dkt. 74 at 3). Plaintiffs do not indicate what
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1 they believe is missing, nor do they explain how the information sought is relevant or
2 proportional. *See* Dkts. 62; 63, Ex. F; 74 at 3. Without more, the Court will assume this request,
3 including the supplemental response from Defendants which states they will produce phone logs
4 for Defendants Pastor and Bomkamp, has been sufficiently answered. Thus, Plaintiffs’ request
5 for an Order compelling Defendants to respond to RFP No. 20 is denied without prejudice.

6 2. Request for Production No. 21

7 RFP No. 21 asks Defendants to produce “[a]ll documents for telephones used by you
8 from 2019 to present that contain call logs or text logs for communications about plaintiffs or the
9 allegations set forth in the Complaint.” Dkt. 73 at 16. Defendants initially objected that the
10 request was “overly broad and vague as to response option. Compound,” and not likely to lead to
11 the discovery of admissible evidence. *Id.* They added that the request “identifies no user and is
12 intended to harass and increase cost of litigation,” and, without waiving objection, requested
13 clarification regarding identification of user. *Id.* In their Response to the Motion to Compel,
14 Defendants reiterate the request is overly broad, vague as to “you,” not relevant, adding it should
15 be struck, is disproportionate to the remaining claims, tantamount to a fishing expedition, and
16 duplicative to RFP No. 20. Dkt. 72 at 9.

17 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
18 reference RFP No. 21 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
19 to identify or produce information responsive to . . . RFP 21 (Documents that contain call or text
20 logs for communications about Plaintiffs)” (Dkt. 74 at 3). Plaintiffs do not indicate what they
21 believe is missing or, in the alternative, provide substantive argument for why the Court should
22 compel Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 3.

Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 21 is denied without prejudice.

K. "Texts"

1. Request for Production No. 22

RFP No. 22 asks Defendants to produce "[a]ll texts from personal or work owned technologies with any content specific to any named plaintiff or the allegations set forth in the Complaint from 2019 to present." Dkt. 73 at 16. Defendants initially objected that the request was "overly broad and vague as to response option. Compound," and not likely to lead to the discovery of admissible evidence. *Id.* They added that the request is "vague as to 'technologies' and identifies no users. The discovery request appears intended to harass and increase cost of litigation," and, without waiving objection, requested clarification regarding definition of "technologies" and identification of user. *Id.* In their Response to the Motion to Compel, Defendants assert the request should be struck and reiterate their arguments on objection, adding that the request would pertain to any Pierce County employee and providing detail on the parties' dispute with respect to clarifying and/or narrowing the scope of this request. Dkt. 72 at 9–10.

In the Motion to Compel and supporting documents, Plaintiffs do not specifically reference RFP No. 22 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have "failed to identify or produce information responsive to . . . RFP 22 (All texts from personal and work owned technologies criticizing Plaintiffs)" (Dkt. 74 at 3). Plaintiffs do not indicate what they believe is missing or, in the alternative, provide substantive argument for why the Court should compel Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 3. Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 22 is denied without prejudice.

1 **L. “E-mail – Messaging – Social Media”**

2 1. Request for Production No. 23

3 RFP No. 23 asks Defendants to produce “[a]ll e-mails from personal or work owned
4 technologies with any content specific to any named plaintiff or the allegations set forth in the
5 Complaint from 2019 to present.” Dkt. 73 at 16. Defendants initially objected that the request
6 was “overly broad and vague as to response option. Compound,” and not likely to lead to the
7 discovery of admissible evidence. *Id.* They added that the request is “vague as to ‘technologies’
8 and identifies no users. The discovery request appears intended to harass and increase cost of
9 litigation,” and, without waiving objection, requested clarification regarding definition of
10 “technologies” and identification of user. *Id.* In a supplemental answer, Defendants added a
11 response including PCSD investigation files. *Id.* at 16–17. In their Response to the Motion to
12 Compel, Defendants assert the request should be struck and reiterate their arguments on
13 objection, adding that the request would pertain to any Pierce County employee and providing
14 detail on the parties’ dispute with respect to clarifying and/or narrowing the scope of this request.
15 Dkt. 72 at 10.

16 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
17 reference RFP No. 23 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
18 to identify or produce information responsive to . . . RFP 23 (e-mails with content specific to
19 Plaintiffs and their performance, limited records)” (Dkt. 74 at 3–4). Plaintiffs do not indicate
20 what they believe is missing or, in the alternative, provide substantive argument for why the
21 Court should compel Defendants to produce information over their objections. *See* Dkts. 62; 63,
22 Ex. F; 74 at 3–4. Without more, the Court will not require Defendants to further respond. Thus,
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1 Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 23 is denied
2 without prejudice.

3 2. Request for Production No. 24

4 RFP No. 24 asks Defendants to produce "[a]ll messaging from personal or work owned
5 technologies with any content specific to any named plaintiff or the allegations set forth in the
6 Complaint from 2019 to present." Dkt. 73 at 17. Defendants initially objected that the request
7 was "overly broad and vague as to response option. Compound," and not likely to lead to the
8 discovery of admissible evidence. *Id.* They added that the request is "vague as to 'technologies'
9 and identifies no users. The discovery request appears intended to harass and increase cost of
10 litigation," and, without waiving objection, requested clarification regarding definition of
11 "technologies" and identification of user. *Id.* In a supplemental answer, Defendants added a
12 response including PCSD investigation files. *Id.* In their Response to the Motion to Compel,
13 Defendants assert the request should be struck and reiterate their arguments on objection, adding
14 that the request would pertain to any Pierce County employee and providing detail on the parties'
15 dispute with respect to clarifying and/or narrowing the scope of this request. Dkt. 72 at 10.

16 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
17 reference RFP No. 24 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have "failed
18 to identify or produce information responsive to . . . RFP 24 (Instant messaging with content
19 specific to Plaintiffs or any criticisms of them)" (Dkt. 74 at 4). Plaintiffs do not indicate what
20 exactly they believe is missing or, in the alternative, provide substantive argument for why the
21 Court should compel Defendants to produce information over their objections. *See* Dkts. 62; 63,
22 Ex. F; 74 at 4. Without more, the Court will not require Defendants to further respond. Thus,
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1 Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 24 is denied
2 without prejudice.

3 3. Request for Production No. 25

4 RFP No. 25 asks Defendants to produce “[a]ll social media posts from personal or work
5 owned technologies with any content specific to any named plaintiff or the allegations set forth
6 in the Complaint from 2019 to present.” Dkt. 73 at 17. Defendants initially objected that the
7 request was “overly broad and vague as to response option. Compound,” and not likely to lead to
8 the discovery of admissible evidence. *Id.* They added that the request is “vague as to
9 ‘technologies’ and identifies no users. The discovery request appears intended to harass and
10 increase cost of litigation,” and, without waiving objection, requested clarification regarding
11 definition of “technologies” and identification of user. *Id.* In their Response to the Motion to
12 Compel, Defendants assert the request should be struck and reiterate their arguments on
13 objection, adding that the request would pertain to any Pierce County employee and providing
14 detail on the parties’ dispute with respect to clarifying and/or narrowing the scope of this request.
15 Dkt. 72 at 10–11. They add that, to the extent that an answer to other discovery requests may
16 include materials from PCSD investigation files, that answer has been provided. *Id.* at 11.

17 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
18 reference RFP No. 25 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
19 to identify or produce information responsive to . . . RFP 25 (Social media posts about
20 Plaintiffs)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they believe is missing or, in the
21 alternative, provide substantive argument for why the Court should compel Defendants to
22 produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4. Without more, the
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1 Court will not require Defendants to further respond. Thus, Plaintiffs' request for an Order
2 compelling Defendants to respond to RFP No. 25 is denied without prejudice.

3 4. Request for Production No. 26

4 RFP No. 26 asks Defendants to produce "[a]ll communications with Kitsap County
5 Sheriff's Department about plaintiffs or any investigation involving plaintiffs. Include each and
6 every text, voice mail, messaging, post, email from or to Defendant Pastor, Bomkamp, or any
7 witness interviewed or Guild member contacted in native format with metadata from personal
8 and work owned technologies." Dkt. 73 at 17. Defendants initially objected that the request was
9 "overly broad and vague as to response option. Compound," and not likely to lead to the
10 discovery of admissible evidence. *Id.* Defendants added, without waiving objection, that a search
11 was ongoing. *Id.* In a supplemental answer, Defendants added a response with reference to
12 Kitsap County's report produced with Defendants' Initial Disclosures, and stated the request may
13 be supplemented. *Id.* In their Response to the Motion to Compel, Defendants assert the request
14 should be struck and reiterate their arguments on objection and provide detail on the parties'
15 dispute with respect to clarifying and/or narrowing the scope of this request. Dkt. 72 at 11. They
16 add that, to the extent that an answer to other discovery requests may include materials PCSD
17 investigation files, that answer has been provided. *Id.*

18 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
19 reference RFP No. 26 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have "failed
20 to identify or produce information responsive to . . . RFP 26 (All communications with Kitsap
21 County Sheriff's Department about Plaintiffs)" (Dkt. 74 at 4). Plaintiffs do not indicate what
22 exactly they believe is missing or, in the alternative, provide substantive argument for why the
23 Court should compel Defendants to produce information over their objections. *See* Dkts. 62; 63,

1 Ex. F; 74 at 4. Without more, the Court will not require Defendants to further respond. Thus,
2 Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 26 is denied
3 without prejudice.

4 5. Request for Production No. 27

5 RFP No. 27 asks Defendants to produce "[a]ll communications with Clark County
6 Sheriff's Department about plaintiffs or any investigation involving plaintiffs. Include each and
7 every text, voice mail, messaging, post, email from or to Defendant Pastor, Bomkamp, or any
8 witness interviewed or Guild member contacted in native format with metadata from personal
9 and work owned technologies." Dkt. 73 at 18. Defendants initially objected that the request was
10 "overly broad and vague as to response option. Compound," and not likely to lead to the
11 discovery of admissible evidence. *Id.* Defendants added, without waiving objection, that a search
12 was ongoing. *Id.* In a supplemental answer, Defendants added a response with reference to Clark
13 County's report produced with Defendants' Initial Disclosures, and stated the request may be
14 supplemented. *Id.* In their Response to the Motion to Compel, Defendants assert the request
15 should be struck and reiterate their arguments on objection and provide detail on the parties'
16 dispute with respect to clarifying and/or narrowing the scope of this request. Dkt. 72 at 11. They
17 add that, to the extent that an answer to other discovery requests may include materials PCSD
18 investigation files, that answer has been provided. *Id.*

19 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
20 reference RFP No. 27 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have "failed
21 to identify or produce information responsive to . . . RFP 27 (All communications with Kitsap
22 County Sheriff's Department about Plaintiffs)" (Dkt. 74 at 4). Plaintiffs do not indicate what
23 exactly they believe is missing or, in the alternative, provide substantive argument for why the
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1 Court should compel Defendants to produce information over their objections. *See* Dkts. 62; 63,
2 Ex. F; 74 at 4. Without more, the Court will not require Defendants to further respond. Thus,
3 Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 27 is denied
4 without prejudice.

5 6. Request for Production No. 28

6 RFP No. 28 asks Defendants to produce "[a]ll documents to include handwritten notes
7 taken by Kwayne Lund, Keith Barnes, Defendants Schacht, Wist, or any Sheriff's Department
8 employee of any interview of plaintiffs or any other person related to the actions of plaintiffs at
9 Pierce County Prosecuting Attorney's Office." Dkt. 73 at 18. Defendants initially objected that
10 the request was "overly broad and vague as to response option. Compound," and not likely to
11 lead to the discovery of admissible evidence. *Id.* Defendants added, without waiving objection,
12 that a search was ongoing. *Id.* In a supplemental answer, Defendants added a response that
13 included Jim Schacht files, Keith Barnes files, and Kwayne Lund files and notes ("Withheld as
14 Atty-Client Privileged"). *Id.* In their Response to the Motion to Compel, Defendants argue this
15 request should be struck, as it pertains only to the *Brady*/PIE investigation conducted by former
16 Defendant Prosecuting Attorney James Schacht who has been dismissed from this action. Dkt.
17 72 at 11.

18 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
19 reference RFP No. 28, let alone explain how the information sought is relevant or proportional.
20 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
21 respond. Thus, Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 28
22 is denied without prejudice.

1 7. Request for Production No. 29

2 RFP No. 29 asks Defendants to produce “[a]ny documents communicating to any
3 plaintiff that faux or fabricated reports were improper.” Dkt. 73 at 18. Defendants initially
4 objected that the request was overly broad and vague as “faux” or “fabricated” reports. *Id.* They
5 also claimed the request was not likely to lead to the discovery of admissible evidence. *Id.*
6 Defendants added, without waiving objection, that a search was ongoing. *Id.* In a supplemental
7 answer, Defendants added a response referencing Kitsap and Clark County Reports, as well as
8 *Brady* materials previously produced with Initial Disclosures. *Id.* at 19. In their Response to the
9 Motion to Compel, Defendants assert the request should be struck and reiterate their arguments
10 on objection and provide detail on the parties’ dispute with respect to clarifying and/or narrowing
11 the scope of this request. Dkt. 72 at 11–12. They add that, to the extent the Kitsap and Clark
12 County Reports have been identified, they are responsive to the request. *Id.*

13 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
14 reference RFP No. 29, let alone explain how the information sought is relevant or proportional.
15 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
16 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 29
17 is denied without prejudice.

18 **M. “Performance”**

19 1. Interrogatory No. 5 and Request for Production No. 30

20 Interrogatory No. 5 asks Defendants to “[d]escribe in detail each communication about
21 each plaintiff on the subject of his or her performance since January 2016. Include the date, time,
22 place, and the name, title, and contact information for each person present.” Dkt. 73 at 19. RFP
23 No. 30 asks Defendants to produce “[a]ll documents viewed or considered when answering
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1 Interrogatory No. 5 to include documents of any such communication in native format with
2 metadata.” *Id.*

3 Defendants initially objected to both requests as overly broad and vague as
4 “communications.” *Id.* They claimed the request is argumentative and may call for a legal
5 conclusion. *Id.* They also claimed the request is not likely to lead to the discovery of admissible
6 evidence. *Id.* In a supplemental answer, Defendants added, “[t]o the extent that this interrogatory
7 request can be answered by review of each Plaintiff’s employment file already produced, that
8 production is incorporated herein by reference.” *Id.* In their Response to the Motion to Compel,
9 Defendants argue these requests have been answered. Dkt. 72 at 12.

10 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
11 reference Interrogatory No. 5 or RFP No. 30 (Dkts. 62; 63, Ex. F), but their Reply argues that
12 Defendants have “refused to answer . . . Rog. 5 (Description of each communication about
13 Plaintiffs on the subject of Plaintiffs’ performance)” (Dkt. 74 at 4). Plaintiffs do not indicate
14 what exactly they believe is missing or, in the alternative, provide substantive argument for why
15 the Court should compel Defendants to produce information over their objections. *See* Dkts. 62;
16 63, Ex. F; 74 at 4. Without more, the Court will not require Defendants to further respond. Thus,
17 Plaintiffs’ request for an Order compelling Defendants to respond to Interrogatory No. 5 and
18 RFP No. 30 is denied without prejudice.

19 2. Request for Production No. 31

20 RFP No. 31 asks Defendants to produce “[e]ach document finding any plaintiff dishonest
21 or not credible.” Dkt. 73 at 19. Defendants objected to the request as overly broad and vague as
22 “dishonest” or “credible.” *Id.* They claimed the discovery request is argumentative and may call
23 for a legal conclusion. *Id.* They also claimed the request is not likely to lead to the discovery of
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1 admissible evidence. *Id.* Defendants added, without waiving objection, that a search was
2 ongoing. *Id.* However, they noted that, “[t]o the extent that *Brady* disclosure material may be
3 responsive, which has already been produced, see Initial Disclosures.” *Id.* In their Response to
4 the Motion to Compel, Defendants note RFP No. 31 has been answered, but argue the request
5 should be struck because it pertains directly to the *Brady*/PIE investigation. Dkt. 72 at 12.

6 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
7 reference RFP No. 31 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
8 to identify or produce information responsive to . . . RFP 31 (Documents finding Plaintiffs
9 dishonest or not credible)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they believe is
10 missing or, in the alternative, provide substantive argument for why the Court should compel
11 Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4.
12 Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request
13 for an Order compelling Defendants to respond to RFP No. 31 is denied without prejudice.

14 3. Request for Production No. 32

15 RFP No. 32 asks Defendants to produce “[e]ach document finding any named defendant
16 dishonest or not credible.” Dkt. 73 at 19. Defendants objected to the request as overly broad and
17 vague as “dishonest” or “credible.” *Id.* They claimed the discovery request is argumentative and
18 may call for a legal conclusion. *Id.* They also claimed the request is not likely to lead to the
19 discovery of admissible evidence. *Id.* Defendants added, without waiving objection, that a search
20 was ongoing. *Id.* However, they noted that, “[t]o the extent that *Brady* disclosure material may
21 be responsive, which has already been produced, see Initial Disclosures.” *Id.* In their Response to
22 the Motion to Compel, Defendants note RFP No. 32 has been answered, but argue the request
23 should be struck because it pertains directly to the *Brady*/PIE investigation. Dkt. 72 at 12.

1 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
2 reference RFP No. 32 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
3 to identify or produce information responsive to . . . RFP 32 (Documents finding any named
4 Defendant dishonest or not credible)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they
5 believe is missing or, in the alternative, provide substantive argument for why the Court should
6 compel Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4.
7 Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request
8 for an Order compelling Defendants to respond to RFP No. 32 is denied without prejudice.

9 4. Request for Production No. 33

10 RFP No. 33 asks Defendants to produce “[a]ny document where any plaintiff’s credibility
11 may be questioned or a document that may be used to call into question any plaintiff’s propensity
12 to tell the truth.” Dkt. 73 at 20. Defendants objected to the request as overly broad and vague as
13 “credibility.” *Id.* They claimed the discovery request is argumentative and may call for a legal
14 conclusion. *Id.* They also claimed the request is not likely to lead to the discovery of admissible
15 evidence. *Id.* Defendants added, without waiving objection, that a search was ongoing. *Id.*
16 However, they noted that, “[t]o the extent that *Brady* disclosure material may be responsive,
17 which has already been produced, see Initial Disclosures.” *Id.* In a supplemental answer,
18 Defendants added a response including PCSD investigation files. *Id.* In their Response to the
19 Motion to Compel, Defendants note RFP No. 33 has been answered, but argue the request
20 should be struck because it pertains directly to the *Brady*/PIE investigation. Dkt. 72 at 12.

21 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
22 reference RFP No. 33, let alone explain how the information sought is relevant or proportional.
23 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
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1 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 33
2 is denied without prejudice.

3 5. Interrogatory No. 6 and Request for Production No. 34

4 Interrogatory No. 6 asks Defendants to “[d]escribe your decision to shut down Pierce
5 County Sheriff’s Department Special Investigations Unit each time you shut it down. Include in
6 your description, the identity of each final decision-making authority for each decision.” Dkt. 73
7 at 20. RFP No. 34 asks Defendants to produce “[a]ll documents viewed or considered when
8 answering Interrogatory No. 6.” *Id.* at 21. Defendants initially objected to the requests as overly
9 broad and not likely to lead to the discovery of admissible evidence. *Id.* at 20–21. Defendants
10 added, without waiving objection, that a search was ongoing. *Id.* at 20. In a supplemental answer,
11 Defendants added details with respect to the first and second suspension of SIU operations,
12 including the identity of the individual who suspended SIU operations. *Id.* at 20–21. They also
13 referred to “Plt. Initial Disclosures, Mary Robnett 7/15/2020 email.” *Id.* at 21. In their Response
14 to the Motion to Compel, Defendants note the requests have been answered. Dkt. 72 at 5, 12.

15 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
16 reference Interrogatory No. 6 or RFP No. 34 (Dkts. 62; 63, Ex. F), but their Reply argues that
17 Defendants have “refused to answer . . . Rog. 6 (Identification of the decision maker who shut
18 down the SUI [sic])” (Dkt. 74 at 4). Plaintiffs do not indicate exactly what they believe is
19 missing at this point or, in the alternative, provide substantive argument for why the Court
20 should compel Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F;
21 74. Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’
22 request for an Order compelling Defendants to respond to Interrogatory No. 6 and RFP No. 34 is
23 denied without prejudice.

6. Request for Production No. 35

RFP No. 35 asks Defendants to produce “[d]ocuments reflecting Pierce County Sheriff’s Department Special Investigations Unit statistics on enforcement activities from 2015 to date.” Dkt. 73 at 21. Defendants initially objected to the requests as overly broad and not likely to lead to the discovery of admissible evidence. *Id.* at 21. Defendants added, without waiving objection, that a search was ongoing. *Id.* In a supplemental answer, Defendants added a response including SIU Stats for the years 2015 through 2022. *Id.* at 21–22. In their Response to the Motion to Compel, Defendants note RFP No. 35 has been answered. Dkt. 72 at 12.

In the Motion to Compel and supporting documents, Plaintiffs do not specifically reference RFP No. 35, let alone explain how the information sought is relevant or proportional. *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 35 is denied without prejudice.

N. “Investigations”

1. Interrogatory No. 7 and Request for Production No. 36

Interrogatory No. 7 asks Defendants to “[d]escribe what the investigations were ‘for the SIU investigative files’ referenced in defendant Schacht’s e-mail Bates No. ‘Plntffs000052’ at Appendix J of the Complaint and as to each provide a detailed chronology of each and every action taken with regard to any such investigation.” Dkt. 73 at 22. RFP No. 36 asks Defendants to produce “[d]ocuments viewed or considered when answering Interrogatory No. 7.” *Id.* Defendants objected to the requests as overly broad and “improper contention.” *Id.* They also noted that claims involving *Brady*/PIE evidence have been dismissed. *Id.* However, they further responded that “the subject email speaks for itself.” *Id.* In their Response to the Motion to

1 Compel, Defendants note RFP No. 36 has been answered, but argue the request should be struck
2 because it pertains directly to the *Brady*/PIE investigation. Dkt. 72 at 12.

3 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
4 reference Interrogatory No. 7 or RFP No. 36 (Dkts. 62; 63, Ex. F), but their Reply argues that
5 Defendants have “refused to answer . . . Rog. 7 (Description of any investigation for the ‘SIU
6 investigative files’ as referenced at App. J)” (Dkt. 74 at 4). Plaintiffs do not indicate exactly what
7 they believe is missing at this point or, in the alternative, provide substantive argument for why
8 the Court should compel Defendants to produce information over their objections. *See* Dkts. 62;
9 63, Ex. F; 74. Without more, the Court will not require Defendants to further respond. Thus,
10 Plaintiffs’ request for an Order compelling Defendants to respond to Interrogatory No. 7 and
11 RFP No. 36 is denied without prejudice.

12 2. Interrogatory No. 8 and Request for Production No. 37

13 Interrogatory No. 8 asks Defendants to “[d]escribe each and every fact that caused you to
14 place any named plaintiff under suspicion or investigation of criminal misconduct.” Dkt. 73 at
15 22. RFP No. 37 asks Defendants to produce “[d]ocuments viewed or considered when answering
16 Interrogatory No. 8.” *Id.* Defendants initially objected to the requests as overly broad,
17 argumentative and may call for a legal conclusion. *Id.* The claimed the request is not likely to
18 lead to the discovery of admissible evidence, but added, without waiving objection, that a search
19 was ongoing. *Id.* In a supplemental answer, Defendants added a response stating, “See response
20 to Request for Production No. 28, Schacht documents and notes, Fed. R. Civ. P. 33(d). To the
21 extent that additional information may apply, see *Brady* material and Clark and Kitsap County
22 Reports.” *Id.* In the Response to the Motion to Compel, Defendants note RFP No. 37 has been
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1 answered, but argue the request should be struck because it pertains directly to the *Brady*/PIE
2 investigation. Dkt. 72 at 12.

3 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
4 reference Interrogatory No. 8 or RFP No. 37 (Dkts. 62; 63, Ex. F), but their Reply argues that
5 Defendants have “failed to identify or produce information responsive to . . . RFP 37
6 (Documents considered when answering Rog. [8] about reasons for investigating Plaintiffs
7 criminally)” (Dkt. 74 at 4). They also argue Defendants “refused to answer . . . Rog. 8 (Facts
8 causing criminal investigation of Plaintiffs).” *Id.* at 4–5. Plaintiffs do not indicate exactly what
9 they believe is missing at this point, or, in the alternative, provide substantive argument for why
10 the Court should compel Defendants to produce information over their objections. *See* Dkts. 62;
11 63, Ex. F; 74. Without more, the Court will not require Defendants to further respond. Thus,
12 Plaintiffs’ request for an Order compelling Defendants to respond to Interrogatory No. 8 and
13 RFP No. 37 is denied without prejudice.

14 3. Interrogatory No. 9 and Request for Production No. 38

15 Interrogatory No. 9 asks Defendants to “[d]escribe each and every fact that caused you to
16 place any named plaintiff under suspicion or investigation of civil misconduct or violation of
17 department policy, procedure, or protocol.” Dkt. 73 at 22. RFP No. 38 asked Defendants to
18 produce “[d]ocuments viewed or considered when answering Interrogatory No. 9.” *Id.* at 23.
19 Defendants initially objected to the requests as overly broad and vague as to “each and every
20 fact.” *Id.* They claimed the requests are argumentative and may call for a legal conclusion. *Id.*
21 They also claim the requests are not likely to lead to the discovery of admissible evidence, but
22 added, without waiving objection, that a search was ongoing. *Id.* In a supplemental answer,
23 Defendants objected to the request as vague as to “civil misconduct,” but further responded, “[t]o
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1 the extent that materials produced in response to RFP 28 may apply, see Kitsap County and
2 Clark County reports. Fed. R. Civ. P. 33(d).” *Id.* at 23. In their Response to the Motion to
3 Compel, Defendants note RFP No. 38 has been answered, but argue the request should be struck
4 because it pertains directly to the *Brady*/PIE investigation. Dkt. 72 at 12.

5 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
6 reference Interrogatory No. 9 or RFP No. 38 (Dkts. 62; 63, Ex. F), but their Reply argues that
7 Defendants have “failed to identify or produce information responsive to . . . RFP 38
8 (Documents considered when answering Rog. [9] about reasons for investigating Plaintiffs for
9 civil misconduct)” (Dkt. 74 at 4). They also argue Defendants “refused to answer . . . Rog. 9
10 (Facts causing civil investigation of Plaintiffs).” *Id.* at 5. Plaintiffs do not indicate exactly what
11 they believe is missing at this point or, in the alternative, provide substantive argument for why
12 the Court should compel Defendants to produce information over their objections. *See* Dkts. 62;
13 63, Ex. F; 74. Without more, the Court will not require Defendants to further respond. Thus,
14 Plaintiffs’ request for an Order compelling Defendants to respond to Interrogatory No. 9 and
15 RFP No. 38 is denied without prejudice.

16 4. Interrogatory No. 10 and Request for Production No. 39

17 Interrogatory No. 10 asks Defendants to “[d]escribe each document any defendant
18 reviewed or relied upon to formulate any opinions regarding the Wales investigation and
19 associated warrants.” Dkt. 73 at 23. RFP No. 39 asks Defendants to produce “[d]ocuments
20 viewed or considered when answering Interrogatory No. 10.” *Id.* at 23. Defendants initially
21 objected to the requests as overly broad and not likely to lead to the discovery of admissible
22 evidence. *Id.* However, without waiving objection, they added a search was ongoing. *Id.* In a
23 supplemental answer, Defendants objected based on the fact that claims involving *Brady*/PIE
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1 evidence have been dismissed, and the request, as it may relate to PERC/labor grievance matters,
2 is no longer relevant to the remaining claims. *Id.* However, Defendants added a response
3 including PCSD investigation files. *Id.* In their Response to the Motion to Compel, Defendants
4 note RFP No. 39 has been answered, but argue the request should be struck because it pertains
5 directly to the *Brady*/PIE investigation and Plaintiff Darby’s PERC/labor grievance matter. Dkt.
6 72 at 12.

7 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
8 reference Interrogatory No. 10 or RFP No. 39 (Dkts. 62; 63, Ex. F), but their Reply argues that
9 Defendants have “refused to answer . . . Rog. 10 (Description of each document reviewed to
10 formulate an opinion about Wales investigation and associated warrants)” (Dkt. 74 at 5).
11 Plaintiffs do not indicate exactly what they believe is missing at this point or, in the alternative,
12 provide substantive argument for why the Court should compel Defendants to produce
13 information over their objections. *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not
14 require Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling
15 Defendants to respond to Interrogatory No. 10 and RFP No. 39 is denied without prejudice.

16 5. Request for Production No. 40

17 RFP No. 40 asks Defendants to produce “[a]ny document on non-verbal consent to enter
18 a residence to make an arrest without a warrant.” Dkt. 73 at 23. Defendants initially objected to
19 the request as overly broad and not likely to lead the discovery of admissible evidence. *Id.*
20 However, they added, without waiving objection, that a search was ongoing. *Id.* In a
21 supplemental answer, Defendants objected based on the fact that claims involving *Brady*/PIE
22 evidence have been dismissed, but further responded with reference to PCSD Policy 322. *Id.* In
23 their Response to the Motion to Compel, Defendants note RFP No. 40 has been answered, but
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1 argue the request should be struck because it pertains directly to the *Brady*/PIE investigation and
2 is duplicative of RFP Nos. 13 and 37. Dkt. 72 at 12.

3 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
4 reference RFP No. 40 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
5 to identify or produce information responsive to . . . RFP 40 (Documents on non-verbal consent
6 to enter a residence to make an arrest without a warrant)” (Dkt. 74 at 4). Plaintiffs do not indicate
7 what exactly they believe is missing or, in the alternative, provide substantive argument for why
8 the Court should compel Defendants to produce information over their objections. *See* Dkts. 62;
9 63, Ex. F; 74 at 4. Without more, the Court will not require Defendants to further respond. Thus,
10 Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 40 is denied
11 without prejudice.

12 6. Request for Production No. 41

13 RFP No. 41 asks Defendants to produce “[a]ll documents associated with any
14 investigation by the Federal Bureau of Investigations into any actions by any named plaintiff.”
15 Dkt. 73 at 24. Defendants initially objected to the request as overly broad and not likely to lead
16 the discovery of admissible evidence. *Id.* However, they added, without waiving objection, that a
17 search was ongoing. *Id.* In a supplemental answer, Defendants objected based on the fact that
18 claims involving *Brady*/PIE evidence have been dismissed, and further noted the request is
19 duplicative of RFP Nos. 13 and 37. *Id.* In their Response to the Motion to Compel, Defendants
20 note RFP No. 41 has been answered, but argue the request should be struck because it pertains
21 directly to the *Brady*/PIE investigation and is duplicative of RFP Nos. 13 and 37. Dkt. 72 at 12.

22 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
23 reference RFP No. 41 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
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1 to identify or produce information responsive to . . . RFP 41 (Documents associated with FBI
2 investigations into Plaintiffs, missing communications)” (Dkt. 74 at 4). Plaintiffs do not indicate
3 what exactly they believe is missing or, in the alternative, provide substantive argument for why
4 the Court should compel Defendants to produce information over their objections. *See* Dkts. 62;
5 63, Ex. F; 74 at 4. Without more, the Court will not require Defendants to further respond. Thus,
6 Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 41 is denied
7 without prejudice.

8 7. Request for Production No. 42

9 RFP No. 42 asks Defendants to produce “[a]ll documents showing when or if reports
10 were locked or unlocked on any investigation by Pierce County Special Investigations Unit for
11 the past ten years. Include all metadata showing dates when the Peres file was locked or
12 unlocked. Dkt. 73 at 24. Defendants initially objected to the request as overly broad and not
13 likely to lead the discovery of admissible evidence. *Id.* However, they added, without waiving
14 objection, that a search was ongoing. *Id.* In a supplemental answer, Defendants objected based
15 on the fact that claims involving *Brady*/PIE evidence have been dismissed, but further responded
16 with “See document produced by Pierce County Defendants as follows: Persons Allowed List;
17 Adamson Def. PC 420962-420963.” *Id.* In their Response to the Motion to Compel, Defendants
18 note RFP No. 42 has been answered, but argue the request should be struck because it pertains
19 directly to the *Brady*/PIE investigation and is duplicative of RFP Nos. 13 and 37. Dkt. 72 at 12.

20 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
21 reference RFP No. 42 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
22 to identify or produce information responsive to . . . RFP 42 (Documents showing when or if
23 reports were locked or unlocked by SIU, unresponsive records only)” (Dkt. 74 at 4). Plaintiffs do
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1 not indicate what exactly they believe is missing at this point, or, in the alternative, provide
2 substantive argument for why the Court should compel Defendants to produce information over
3 their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4. Without more, the Court will not require
4 Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to
5 respond to RFP No. 42 is denied without prejudice.

6 8. Request for Production No. 43

7 RFP No. 43 asks Defendants to produce “[a]ll documents you claim are faux or
8 fabricated reports from Peres or Benitez.” Dkt. 73 at 24. Defendants initially objected to the
9 request as overly broad, vague as to “faux” or “fabricated,” and not likely to lead the discovery
10 of admissible evidence. *Id.* They also sought clarification regarding identification of “Peres” and
11 “Benitez.” *Id.* However, they added, without waiving objection, that a search was ongoing. *Id.* In
12 a supplemental answer, Defendants objected based on the fact that claims involving *Brady*/PIE
13 evidence have been dismissed. *Id.* In their Response to the Motion to Compel, Defendants note
14 RFP No. 43 has been answered, but argue the request should be struck because it pertains
15 directly to the *Brady*/PIE investigation and is duplicative of RFP Nos. 13 and 37. Dkt. 72 at 12.

16 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
17 reference RFP No. 43 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
18 to identify or produce information responsive to . . . RFP 43 (All documents Pierce County
19 claims were fabrication or faux reports from Peres or Benitez)” (Dkt. 74 at 4). Plaintiffs do not
20 indicate what exactly they believe is missing or, in the alternative, provide substantive argument
21 for why the Court should compel Defendants to produce information over their objections. *See*
22 Dkts. 62; 63, Ex. F; 74 at 4. Without more, the Court will not require Defendants to further
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1 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 43
2 is denied without prejudice.

3 9. Request for Production No. 44

4 RFP No. 44 asks Defendants to produce “[t]he complete Pierce County Sheriff’s
5 Department investigation files for any case listed by Defendant Schacht in his letter at Appendix
6 H of the Complaint.” Dkt. 73 at 24. Defendants initially objected to the request as overly broad
7 and not likely to lead the discovery of admissible evidence. *Id.* However, they added, without
8 waiving objection, that a search was ongoing. *Id.* In a supplemental answer, Defendants objected
9 based on the fact that claims involving *Brady*/PIE evidence have been dismissed. *Id.* In their
10 Response to the Motion to Compel, Defendants note RFP No. 44 has been answered, but argue
11 the request should be struck because it pertains directly to the *Brady*/PIE investigation and is
12 duplicative of RFP Nos. 13 and 37. Dkt. 72 at 12.

13 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
14 reference RFP No. 44 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
15 to identify or produce information responsive to . . . RFP 44 (Complete Sheriff’s Department
16 investigation files for all cases listed in Appendix H to the Complaint)” (Dkt. 74 at 4). Plaintiffs
17 do not indicate what exactly they believe is missing or, in the alternative, provide substantive
18 argument for why the Court should compel Defendants to produce information over their
19 objections. *See* Dkts. 62; 63, Ex. F; 74 at 4. Without more, the Court will not require Defendants
20 to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to
21 RFP No. 44 is denied without prejudice.

10. Request for Production No. 45

RFP No. 45 asks Defendants to produce “[t]he complete investigation files for any investigation where any plaintiff was either a suspect, subject, or witness. Include all audio recordings, if any.” Dkt. 73 at 25. Defendants initially objected to the request as overly broad, vague as to time frame, and not likely to lead the discovery of admissible evidence. *Id.* They also sought clarification regarding time frame. *Id.* However, they added, without waiving objection, that a search was ongoing. *Id.* In a supplemental answer, Defendants objected based on the fact that claims involving *Brady*/PIE evidence have been dismissed. *Id.* In their Response to the Motion to Compel, Defendants note RFP No. 45 has been answered, but argue the request should be struck because it pertains directly to the *Brady*/PIE investigation and is duplicative of RFP Nos. 13 and 37. Dkt. 72 at 12.

In the Motion to Compel and supporting documents, Plaintiffs do not specifically reference RFP No. 45 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed to identify or produce information responsive to . . . RFP 45 (Complete investigation files involving Plaintiffs)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they believe is missing, or, in the alternative, provide substantive argument for why the Court should compel Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4. Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 45 is denied without prejudice.

O. “Policies, Procedures, Protocols and Standards”

1. Request for Production No. 46

RFP No. 46 asks Defendants to produce “Pierce County Prosecuting Attorney’s Office policies, protocols, procedures, or standards for narcotics investigations.” Dkt. 73 at 25.

1 Defendants initially objected to the request as overly broad and not likely to lead the discovery of
2 admissible evidence. *Id.* However, they added, without waiving objection, that a search was
3 ongoing. *Id.* In a supplemental answer, Defendants added a reference to RFP No. 47. *Id.* In their
4 Response to the Motion to Compel, Defendants note RFP No. 46 has been answered, but argue
5 the request should be struck because it pertains directly to the *Brady*/PIE investigation and is
6 duplicative of RFP Nos. 13 and 37. Dkt. 72 at 12.

7 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
8 reference RFP No. 46, let alone explain how the information sought is relevant or proportional.
9 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
10 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 46
11 is denied without prejudice.

12 2. Request for Production No. 47

13 RFP No. 47 asks Defendants to produce “Pierce County Prosecuting Attorney’s Office
14 policies, protocols, procedures, or standards for sources or confidential informants.” Dkt. 73 at
15 25. Defendants initially objected to the request as overly broad and not likely to lead the
16 discovery of admissible evidence. *Id.* However, they added, without waiving objection, that a
17 search was ongoing. *Id.* In a supplemental answer, Defendants added a response with the
18 following documents produced by Pierce County: two sections of Senate Bill 5714 Informants,
19 and Search Warrant/Confidential Informant Protocols. *Id.* at 25–26. In their Response to the
20 Motion to Compel, Defendants note RFP No. 47 has been answered, but argue the request should
21 be struck because it pertains directly to the *Brady*/PIE investigation and is duplicative of RFP
22 Nos. 13 and 37. Dkt. 72 at 12.

1 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
2 reference RFP No. 47, let alone explain how the information sought is relevant or proportional.
3 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
4 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 47
5 is denied without prejudice.

6 3. Request for Production No. 48

7 RFP No. 48 asks Defendants to produce “Pierce County Sheriff’s Department policies,
8 protocols, procedures, or standards for narcotics or investigations undertaken by its Special
9 Investigations Unit.” Dkt. 73 at 26. Defendants initially objected to the request as overly broad
10 and not likely to lead the discovery of admissible evidence. *Id.* However, they added, without
11 waiving objection, that a search was ongoing. *Id.* In a supplemental answer, Defendants added a
12 response with the following documents produced by Pierce County: Policy 606, Asset Forfeiture;
13 Policy 407, Incident Command System (ICS); Policy 617, Operations Planning and
14 Deconfliction; Policy 804, Property and Evidence; PCSD SIU Policy & Procedure Manual; and
15 Policy 408, Special Weapons and Tactics. *Id.* In their Response to the Motion to Compel,
16 Defendants note RFP No. 48 has been answered, but argue the request should be struck because
17 it pertains directly to the *Brady*/PIE investigation and is duplicative of RFP Nos. 13 and 37. Dkt.
18 72 at 12.

19 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
20 reference RFP No. 48, let alone explain how the information sought is relevant or proportional.
21 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
22 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 48
23 is denied without prejudice.

1 4. Request for Production No. 49

2 RFP No. 49 asks Defendants to produce “Pierce County Sheriff’s Department policies,
3 protocols, procedures, or standards for sources or confidential informants.” Dkt. 73 at 26.
4 Defendants initially objected to the request as overly broad and not likely to lead the discovery of
5 admissible evidence. *Id.* However, they added, without waiving objection, that a search was
6 ongoing. *Id.* In a supplemental answer, Defendants added a response with the following
7 document produced by Pierce County: Policy 608, Confidential Informants. *Id.* In their Response
8 to the Motion to Compel, Defendants note RFP No. 49 has been answered, but argue the request
9 should be struck because it pertains directly to the *Brady*/PIE investigation and is duplicative of
10 RFP Nos. 13 and 37. Dkt. 72 at 12.

11 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
12 reference RFP No. 49, let alone explain how the information sought is relevant or proportional.
13 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
14 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 49
15 is denied without prejudice.

16 5. Request for Production No. 50

17 RFP No. 50 asks Defendants to produce “[p]olicies, procedures, or standards applicable
18 to warrants.” Dkt. 73 at 26. Defendants initially objected to the request as overly broad and not
19 likely to lead the discovery of admissible evidence. *Id.* at 27. However, they added, without
20 waiving objection, that a search was ongoing. *Id.* In a supplemental answer, Defendants added a
21 response with the following documents produced by Pierce County: Policy 301, Arrests; and
22 Policy 616, Warrant Service. *Id.* In their Response to the Motion to Compel, Defendants note
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1 RFP No. 50 has been answered, but argue the request should be struck because it pertains
2 directly to the *Brady*/PIE investigation and is duplicative of RFP Nos. 13 and 37. Dkt. 72 at 12.

3 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
4 reference RFP No. 50, let alone explain how the information sought is relevant or proportional.
5 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
6 respond. Thus, Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 50
7 is denied without prejudice.

8 **P. "Employment Records"**

9 1. Request for Production No. 51

10 RFP No. 51 asks Defendants to produce "[c]omplete personnel files for each named
11 plaintiff." Dkt. 73 at 27. Defendants initially indicated that their response would be
12 supplemented. *Id.* In two supplemental answers, Defendants provided personnel files for all of
13 the named Plaintiffs. *See id.* at 27–28. In their Response to the Motion to Compel, Defendants
14 note RFP No. 51 has been answered. Dkt. 72 at 12.

15 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
16 reference RFP No. 51, let alone explain how the information sought is relevant or proportional.
17 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
18 respond. Thus, Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 51
19 is denied without prejudice.

20 2. Request for Production No. 52

21 RFP No. 52 asks Defendants to produce "'[c]omplete personnel files for each
22 individually named defendant (Pastor, and Bomkamp)." Dkt. 73 at 28. Defendants initially
23 objected to the request as overly broad and not likely to lead the discovery of admissible
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1 evidence. *Id.* They also indicated that the parties should discuss production subject to a
2 protective order. *Id.* In a supplemental answer, Defendants provided Defendant Pastor and
3 Bomkamp’s personnel files and HR personnel files. *Id.* at 28–29. The Court notes this material is
4 now subject to a Stipulated Protective Order. *See* Dkt. 58. In their Response to the Motion to
5 Compel, Defendants note RFP No. 52 has been answered. Dkt. 72 at 12.

6 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
7 reference RFP No. 52, let alone explain how the information sought is relevant or proportional.
8 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
9 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 52
10 is denied without prejudice.

11 3. Request for Production No. 53

12 RFP No. 53 asks Defendants to produce “[c]omplete disciplinary files for each named
13 plaintiff.” Dkt. 73 at 29. Defendants initially indicated that their response would be
14 supplemented. *Id.* In a supplemental answer, Defendants referred to the supplemental answer
15 provided to RFP No. 17. *Id.* In their Response to the Motion to Compel, Defendants note RFP
16 No. 53 has been answered. Dkt. 72 at 12.

17 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
18 reference RFP No. 53, let alone explain how the information sought is relevant or proportional.
19 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
20 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 53
21 is denied without prejudice.

1 4. Request for Production No. 54

2 RFP No. 54 asks Defendants to produce “[c]omplete disciplinary files for each
3 individually named defendant (Pastor, and Bomkamp).” Dkt. 73 at 29. Defendants objected to
4 the request as overly broad and not likely to lead the discovery of admissible evidence. *Id.* They
5 also asserted that the request was “invasive of the individual Defendant’s right to privacy and
6 raises concerns regarding officer safety. Moreover, requests for disciplinary information into a
7 government worker’s personnel files are privileged and not subject to discovery with the
8 exception of documents evidencing disciplinary action concerning *matters related to the*
9 *underlying lawsuit.*” *Id.* The Court notes this material is now subject to a Stipulated Protective
10 Order. *See* Dkt. 58. In their Response to the Motion to Compel, Defendants note RFP No. 54 has
11 been answered. Dkt. 72 at 12.

12 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
13 reference RFP No. 54 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
14 to identify or produce information responsive to . . . RFP 54 (Complete disciplinary files for
15 Defendants Pastor and Bomkamp)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they
16 believe is missing or, in the alternative, provide substantive argument for why the Court should
17 compel Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4.
18 Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request
19 for an Order compelling Defendants to respond to RFP No. 54 is denied without prejudice.

20 5. Request for Production No. 55

21 RFP No. 55 asks Defendants to produce “[c]omplete payroll records for each named
22 plaintiff.” Dkt. 73 at 29. Defendants initially indicated that their response would be
23 supplemented. *Id.* In a supplemental answer, Defendants provided payroll records for all of the
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1 named Plaintiffs. *Id.* at 29–30. In their Response to the Motion to Compel, Defendants note RFP
2 No. 54 has been answered. Dkt. 72 at 12.

3 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
4 reference RFP No. 55, let alone explain how the information sought is relevant or proportional.
5 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
6 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 55
7 is denied without prejudice.

8 **Q. “HR Files”**

9 1. Request for Production No. 56

10 RFP No. 56 asks Defendants to produce “[a]ll documents in Pierce County Human
11 Resources for any complaint, action, investigation, contact, review, appeal, grievance involving
12 any named plaintiff or defendant.” Dkt. 73 at 30. Defendants initially indicated that their
13 response would be supplemented, “as it relates to a request for Plaintiff Fajardo’s records. As
14 this discovery request may relate to any named Defendant, see answer to Request for Production
15 No. 54.” *Id.* In two supplemental answers, Defendants provided Plaintiff Fajardo’s HR Personnel
16 file and referred to the documents in response to RFP No. 51, respectively. *Id.* In their Response
17 to the Motion to Compel, Defendants note RFP No. 56 has been answered. Dkt. 72 at 12.

18 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
19 reference RFP No. 56, let alone explain how the information sought is relevant or proportional.
20 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
21 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 56
22 is denied without prejudice.

2. Request for Production No. 57

RFP No. 57 asks Defendants to produce “[a]ll documents from files and records created by or in the possession of Joe Carrillo with respect to any named plaintiff.” Dkt. 73 at 30. Defendants initially indicated that their response would be supplemented. *Id.* In a supplemental response, Defendants objected to the request as not likely to lead to the discovery of admissible evidence, and argued it is not related to Plaintiffs’ current claims. *Id.* However, without waiving the objection, Defendants responded with a set of email communications produced by Pierce County. *Id.* In their Response to the Motion to Compel, Defendants further objected to the request as follows:

The discovery request seeks documents from files and records created by or in the possession of Joe Carrillo with respect to any named plaintiff. Joe Carrillo was a former Pierce County Human Resource manager and he was mostly, if not only, involved in the PERC/labor grievances filed by Plaintiffs Riegle, Darby, and Fajardo. Information from Joe Carrillo is not relevant to the remaining claims in this lawsuit.

Dkt. 72 at 12. They also assert the request should be struck. *Id.*

In the Motion to Compel and supporting documents, Plaintiffs do not specifically reference RFP No. 57, let alone explain how the information sought is relevant or proportional. *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 57 is denied without prejudice.

R. “Publications – Media”

1. Request for Production No. 58

RFP No. 58 asks Defendants to produce “[e]ach and every document that communicates with The News Tribune or any other media contact information about any plaintiff or Pierce County Special Investigations Unit from 2019 to present.” Dkt. 73 at 31. Defendants initially

1 objected to the request as overly broad and vague as to “other media contact.” *Id.* However,
2 without waiving the objection, and limiting an answer to 2019 to the date of the Complaint,
3 Defendants added that a search was ongoing. *Id.* In a supplemental answer, Defendants provided
4 media communications (PDF & Native formats) produced by Pierce County. *Id.* In their
5 Response to the Motion to Compel, Defendants note RFP No. 58 has been answered. Dkt. 72 at
6 12.

7 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
8 reference RFP No. 58 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
9 to identify or produce information responsive to . . . RFP 58 (Media communications from
10 Sheriff’s Department with TNT)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they
11 believe is missing at this point or, in the alternative, provide substantive argument for why the
12 Court should compel Defendants to produce information over their objections. *See* Dkts. 62; 63,
13 Ex. F; 74 at 4. Without more, the Court will not require Defendants to further respond. Thus,
14 Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 58 is denied
15 without prejudice.

16 2. Request for Production No. 59

17 RFP No. 59 asks Defendants to produce “[e]ach document providing any media person
18 information about your closure and the status of Pierce County Sheriff’s Department Special
19 Investigations Unite from 2019 to date. Include all e-mail, attachments, messaging and texts in
20 native format with any media reporter.” Dkt. 73 at 31. Defendants initially objected to the
21 request as overly broad and vague as to “media person.” *Id.* However, without waiving the
22 objection, and limiting an answer to 2019 to the date of the Complaint, Defendants added that a
23 search was ongoing. *Id.* In a supplemental answer, Defendants provided media communications
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(PDF & Native formats) produced by Pierce County. *Id.* In their Response to the Motion to Compel, Defendants note RFP No. 59 has been answered. Dkt. 72 at 12.

In the Motion to Compel and supporting documents, Plaintiffs do not specifically reference RFP No. 59 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed to identify or produce information responsive to . . . RFP 59 (Media communications to any media about Plaintiffs)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they believe is missing at this point or, in the alternative, provide substantive argument for why the Court should compel Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4. Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 59 is denied without prejudice.

S. “Retention”

1. Request for Production No. 60

RFP No. 60 asks Defendants to produce “[a]ll documents showing compliance with retention schedules for content from technologies used by any named defendant from 2019 to the present. This is intended to capture documents showing retention of communications to and from named defendants.” Dkt. 73 at 31. Defendants initially objected to this request as overly broad and vague as to any Pierce County Department. *Id.* However, and without waiving the objection, they added a search was ongoing. *Id.* In a supplemental answer, Defendants reiterated their objection, adding that the request is not relevant, is disproportionate to the remaining claims, and relates to other matters, including but not limited to Public Records Requests. *Id.* In their Response to the Motion to Compel, Defendants again reiterate their objection and argue the request should be struck. Dkt. 72 at 12.

1 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
2 reference RFP No. 60 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
3 to identify or produce information responsive to . . . RFP 60 (Retention scheduled compliance)”
4 (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they believe is missing, do not respond to
5 Defendants’ arguments regarding public records requests, or explain how the information sought
6 is relevant or proportional. *See* Dkts. 62; 63, Ex. F; 74 at 4. Without more, the Court will not
7 require Defendants to further respond. Thus, Plaintiffs’ request for an Order compelling
8 Defendants to respond to RFP No. 60 is denied without prejudice.

9 **T. “Campaign for Sheriff”**

10 1. Request for Production No. 61

11 RFP No. 61 asks Defendants to produce “[a]ll documents about Pierce County Sheriff’s
12 Department election in 2020 that mention or reference any plaintiff or support or opposition for
13 either candidate.” Dkt. 73 at 32. Defendants initially objected to the request as overly broad and
14 vague as to “all documents,” and the terms “support” or “opposition.” *Id.* They also sought
15 clarification regarding the time frame in 2020. *Id.* However, without waiving the objection,
16 Defendants added that a search was ongoing. *Id.* In a supplemental answer, Defendants provided
17 a Facebook page, Endorsement of Troyer for Sheriff, as produced by Pierce County. *Id.* In their
18 Response to the Motion to Compel, Defendants note RFP No. 61 has been answered. Dkt. 72 at
19 12.

20 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
21 reference RFP No. 61, let alone explain how the information sought is relevant or proportional.
22 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
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1 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 61
2 is denied without prejudice.

3 2. Interrogatory No. 11

4 Interrogatory No. 11 asks Defendants to “[s]tate who each named defendant voted for in
5 the Sheriff’s Department election in 2020 in both the primary and final election.” Dkt. 73 at 32.
6 Defendants initially objected to the request as overly broad and not likely to lead to the discovery
7 of admissible evidence. *Id.* They also asserted the request is invasive of the individual
8 Defendant’s right to privacy and raises concerns regarding officer safety and harassment. *Id.*
9 However, without waiving the objection, Defendants added that an answer may be
10 supplemented. *Id.* In a supplemental answer, Defendants provided the following information:
11 Pastor: Troyer; Bomkamp: Troyer. *Id.*

12 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
13 reference Interrogatory No. 11, let alone explain how the information sought is relevant or
14 proportional. *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to
15 further respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to
16 Interrogatory No. 11 is denied without prejudice.

17 3. Request for Production No. 62

18 RFP No. 62 asks Defendants to produce “[a]ll documents reflecting campaign support for
19 Pierce County Sheriff in 2020 either in kind or financial by any named defendant. Include any
20 and all documents that reflect communications supportive of any candidate such as
21 endorsements, mailers, e-mail, texts, etc.” Dkt. 73 at 32. Defendants initially objected to the
22 request as overly broad and not likely to lead to the discovery of admissible evidence. *Id.* They
23 also asserted the request is invasive of the individual Defendant’s right to privacy and raises
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1 concerns regarding officer safety and harassment. *Id.* However, without waiving the objection,
2 Defendants added that an answer may be supplemented. *Id.* In a supplemental answer,
3 Defendants referenced the responsive document produced for RFP No. 61. *Id.* In their Response
4 to the Motion to Compel, Defendants note RFP No. 62 has been answered. Dkt. 72 at 13.

5 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
6 reference RFP No. 62, let alone explain how the information sought is relevant or proportional.
7 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
8 respond. Thus, Plaintiffs' request for an Order compelling Defendants to respond to RFP No. 62
9 is denied without prejudice.

10 **U. "Calendars"**

11 1. Request for Production No. 63

12 RFP No. 63 asks Defendants to produce "[a]ll documents that contain Outlook calendar
13 entries for any meeting involving SIU or its members, or with content involving SIU or any
14 member of SIU from 2019 to the present." Dkt. 73 at 32. Defendants initially objected to the
15 request as overly broad, vague as to identification of a Pierce County department, and not likely
16 to lead to the discovery of admissible evidence. *Id.* at 33. They also sought clarification
17 regarding the identification of a Pierce County department. *Id.* However, without waiving the
18 objection, and limiting an answer to 2019 to the date of the Complaint, Defendants added that a
19 search was ongoing. *Id.* In a supplemental answer, Defendants further objected to the extent the
20 request pertains to *Brady*/PIE matters, and to Plaintiffs Darby, Fajardo, and Riegle PERC/labor
21 grievance matters. *Id.* In their Response to the Motion to Compel, Defendants reiterate their
22 objections and assert the request should be struck. Dkt. 72 at 13.

1 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
2 reference RFP No. 63 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
3 to identify or produce information responsive to . . . RFP 63 (Outlook calendar entries specific to
4 meetings involving SIU)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they believe is
5 missing or, in the alternative, provide substantive argument for why the Court should compel
6 Defendants to produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4.
7 Without more, the Court will not require Defendants to further respond. Thus, Plaintiffs’ request
8 for an Order compelling Defendants to respond to RFP No. 63 is denied without prejudice.

9 **V. Request for Production No. 64: “Documents Obtained in Discovery”**

10 RFP No. 64 asks Defendants to produce “[a]ll documents obtained in response to any
11 subpoena or release.” Dkt. 73 at 33. Defendants objected that the request is “not applicable.” *Id.*
12 In their Response to the Motion to Compel, Defendants note RFP No. 64 has been answered.
13 Dkt. 72 at 13.

14 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
15 reference RFP No. 64, let alone explain how the information sought is relevant or proportional.
16 *See* Dkts. 62; 63, Ex. F; 74. Without more, the Court will not require Defendants to further
17 respond. Thus, Plaintiffs’ request for an Order compelling Defendants to respond to RFP No. 64
18 is denied without prejudice.

19 **W. “Documents Responsive to Searches of ESI”**

20 1. Request for Production No. 65

21 RFP No. 65 asks Defendants to produce “[a]ny documents, specifically notes involving
22 Special Investigations Unit and its members Fajardo, Adamson, Nicodemus, Darby, Reigle,
23 Raynor, Dickerson, Nordstrom, Bray, Maas, Neilson, Olivarez, and Cole from 2019 to present.”
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1 Dkt. 73 at 33. Defendants initially objected to the request as overly broad, vague as to
2 identification of a Pierce County department, and not likely to lead to the discovery of admissible
3 evidence. *Id.* at 33. They also sought clarification regarding the identification of a Pierce County
4 department. *Id.* However, without waiving the objection, and limiting an answer to 2019 to the
5 date of the Complaint, Defendants added that a search was ongoing. *Id.* In a supplemental
6 answer, Defendants further objected to the request as duplicative of other requests. *Id.* In their
7 Response to the Motion to Compel, Defendants reiterate their objections and assert the request
8 should be struck. Dkt. 72 at 13.

9 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
10 reference RFP No. 65 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
11 to identify or produce information responsive to . . . RFP 65 (Notes involving SIU members from
12 2019 to present)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they believe is missing or,
13 in the alternative, provide substantive argument for why the Court should compel Defendants to
14 produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4. Without more, the
15 Court will not require Defendants to further respond. Thus, Plaintiffs’ request for an Order
16 compelling Defendants to respond to RFP No. 65 is denied without prejudice.

17 2. Request for Production No. 66

18 RFP No. 66 asks Defendants to produce “[a]ny documents, notes, or e-mail concerning
19 locked reports; faux, fake, or fabricated reports; charging interviews; FBI; profer; drug testing; or
20 SIU Brady from 2019 to present.” Dkt. 73 at 33. Defendants initially objected to the request as
21 overly broad, vague as to identification of a Pierce County department, and not likely to lead to
22 the discovery of admissible evidence. *Id.* at 33. They also sought clarification regarding the
23 identification of a Pierce County department. *Id.* However, without waiving the objection, and
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1 limiting an answer to 2019 to the date of the Complaint, Defendants added that a search was
2 ongoing. *Id.* In a supplemental answer, Defendants further objected to the request as duplicative
3 of other requests. *Id.* In their Response to the Motion to Compel, Defendants reiterate their
4 objections and assert the request should be struck. Dkt. 72 at 13.

5 In the Motion to Compel and supporting documents, Plaintiffs do not specifically
6 reference RFP No. 66 (Dkts. 62; 63, Ex. F), but their Reply argues that Defendants have “failed
7 to identify or produce information responsive to . . . RFP 66 (Misc. all documents from 2019 to
8 present)” (Dkt. 74 at 4). Plaintiffs do not indicate what exactly they believe is missing or, in the
9 alternative, provide substantive argument for why the Court should compel Defendants to
10 produce information over their objections. *See* Dkts. 62; 63, Ex. F; 74 at 4. Without more, the
11 Court will not require Defendants to further respond. Thus, Plaintiffs’ request for an Order
12 compelling Defendants to respond to RFP No. 66 is denied without prejudice.

13 **IV. PLAINTIFFS’ REQUEST FOR SANCTIONS**

14 In connection with this Motion to Compel, Plaintiffs have requested sanctions be
15 imposed against Defendants. Dkt. 62 at 6–7. When a motion to compel is granted, sanctions in
16 the form of “reasonable expenses” which includes attorney fees must be awarded against the
17 party and attorney whose conduct necessitated the discovery motion. Fed. R. Civ. P. 37(a)(5)(A).
18 The presumption in favor of such awards serves a “deterrent function by discouraging
19 unnecessary involvement by the court in discovery.” *Marquis v. Chrysler Corp.*, 577 F.2d 624,
20 642 (9th Cir. 1978). But the Court must not order payment if the movant did not make a good
21 faith attempt to confer, nondisclosure was substantially justified, or other circumstances make an
22 award unjust. Fed. R. Civ. P. 37(a)(5)(A)(i)-(iii).

1 Here, the Motion to Compel is granted in part and denied in part. The Court declined to
2 compel Defendants to respond to all discovery requests and declined to compel Defendants to
3 produce all of the disputed documents. Further, the nondisclosures were substantially justified.
4 Therefore, Plaintiffs' request for sanctions is **DENIED**.

5 **V. CONCLUSION**

6 Based on the foregoing discussion, the Motion to Compel (Dkt. 62) is **GRANTED IN**
7 **PART** and **DENIED IN PART**. Plaintiffs' Motion to Strike (Dkt. 80) is **DENIED**. Plaintiffs'
8 request for sanctions (Dkt. 62 at 6–7) is **DENIED**.

9 Dated this 30th day of June, 2023.

10
11 A handwritten signature in black ink, appearing to read 'Grady J. Leupold', is written over a solid horizontal line.

12 Grady J. Leupold
13 United States Magistrate Judge
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